

**SUMMARY OF RESOLUTIONS
ORDINARY MEETING OF COUNCIL
TUESDAY, 24 MARCH 2020**

Please note the following do not constitute the formal minutes of the meeting, but are provided as a record of decisions reached.

1. AMENDMENT C372 – 35 HAMS ROAD AND 69-93 HAMS ROAD, WAURN PONDS – CONSIDERATION OF PANEL REPORT AND ADOPTION

Source: Planning, Design & Development – City Development
Director: Gareth Smith
Portfolio: Planning

Resolution (*Note changed resolution*)

12. That Council:

12.1 Adopt Amendment C372 in the form outlined in Attachment 3 of this report with the following changes to the Design and Development Overlay:

- ‘Urban Design’ - first dot point “conventional lots of a minimum 300 square metres towards the core of the site” replace 300 with 400 square metres.
- ‘Urban Design’ - second dot point “lots fronting Hams Road must have a minimum lot size of 800 square metres.” replace 800 with 850 square metres.

12.2 Submit the adopted Amendment C372 and prescribed information to the Minister for Planning requesting approval;

12.3 Recommend to the Minister for Planning that Planning Permits 662/2017 & 663/2017 be approved in the form outlined in Attachment 6 of this report with the following changes:

- **To Condition 1 of both permits include:**
 - All plans to be amended to show no residential lots less than 400 square metres in area;
 - The Overall Subdivision Masterplan to be amended to show no more than 214 lots in total across both sites.
- **To Condition 1 of Permit 662/2017 for the western site include:**
 - Deletion of 3 lots in the north east corner of the site adjoining the north-south entry street off Hams Road and replacement with open space to provide a visual connection to the creek reserve parkland; and
- **To Condition 1 of Permit 663/2017 for the eastern site include:**
 - Deletion of 3 lots in the north west corner of the site and replacement with open space to provide a visual connection to the creek reserve parkland.

12.4 Authorise the signing and sealing of the Section 173 Agreements accompanying this Amendment C372 to formalise developer contributions (the draft Agreement is in Attachment 5 to this report).

12.5 Acknowledge the existing traffic issues on Ghazeepore Road, the \$500,000 contribution by the proponent to contribute to rectification of the issues and Council seeks the community be engaged with identifying design options to address current concerns of the community.

12.6 Acknowledge that both planning permits require further environmental assessments to be submitted which must include an assessment of the land by a suitably qualified environmental professional detailing the level and location of any contamination.

Carried.

2. AMENDMENT C401 – COMMUNITY CARE ACCOMMODATION, 120 RUSSELLS ROAD, MOUNT DUNED – CONSIDERATION OF SUBMISSIONS

**Source: Planning, Design & Development – City Development
Director: Gareth Smith
Portfolio: Planning**

Resolution

- 9. That Council having considered all submissions summarised in Attachment 9 to this report to Amendment C401 to the Greater Geelong Planning Scheme resolves to:**
- 9.1 Request the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act, 1987;**
 - 9.2 Refer all submissions summarised in Attachment 9 of this report to the Panel; and**
 - 9.3 Submit to the Panel its response to the submissions generally as outlined in this report.**

Carried.

3. RESIDENTIAL ZONE CHANGES

**Source: Planning, Design & Development – Planning Strategy
Director: Gareth Smith
Portfolio: Planning**

Resolution

- 8. That Council:**
- 8.1 Note the State Government requirement to change the Greater Geelong Planning Scheme to align with the Victorian Planning Provisions.**
 - 8.2 Support the following zone and policy changes as described in Attachment 2 – Report to Implementing the new Residential Zones:**
 - 8.2.1 Back zoning of the General Residential Zone 2 areas in urban Geelong to Neighbourhood Residential Zone and include:**

- 8.2.1.1 a 9m maximum height limit; and
- 8.2.1.2 maintain the existing additional open space and landscape requirements
- 8.3.1 Back zoning the Residential Growth Zone 2 areas to a new General Residential Zone and include:
 - 8.3.1.1 all other variations in existing zone schedules (open space, site coverage, front setbacks) will be transferred from the RGZ to deliver housing change and diversity in these areas and to differentiate from the other GRZ areas; and
 - 8.3.1.2 exempt the garden area requirement.
- 8.4 Write to the Minister for Planning with Council's preferred option and to request that the changes are implemented via GC Ministerial amendment with other impacted Councils; and
- 8.5 Note the Bellarine Peninsula towns are not included in these zone changes. Building heights will be considered by the Bellarine Peninsula Distinctive Area and Landscapes project managed by DELWP.

Carried.

4. SHARED TRAILS MASTERPLAN

Source: City Services – Engineering Services
Director: Guy Wilson-Browne
Portfolio: Rural and Coastal

Resolution *(Note changed resolution)*

12. That Council:
- 12.1 Adopt the Shared Trails Masterplan (Attachment 3);
 - 12.2 Note the actions that are committed and ongoing this financial year (Attachment 1);
 - 12.3 Refer further priority projects to the 2020-2021 budget; and
 - 12.4 **Note that the community will be able to provide feedback on the priority projects as part of the 2020-2021 budget submission process.**

Carried.

5. 2020-21 GRANTS

Source: Customer & Corporate Services – Program Integration and Development
Director: Michael Dugina
Portfolio: Finance

Resolution (*Note changed resolutions*)

7. That Council:

7.1 Approve the changes to the guidelines as shown in the table at Attachment 2 subject to the following changes to the Community Infrastructure Grant program guidelines;

7.1.1 The removal of ‘Social Housing an ineligible project type’;

7.1.2 The removal of ‘Health care providers ineligible to apply’;

7.1.3 The removal of ‘Primary and secondary schools and tertiary institutions ineligible to apply’;

7.1.4 The removal of ‘limit the number of applications valued at \$250,000 or more to no more than 60% of the total budget’; and

7.1.5 Amending ‘make capital projects with total costs in excess of \$1.5 million an ineligible project type’ to \$3.5 million.

7.2 Establish a First Nations Heritage Grants fund in collaboration with Traditional Owners and:

7.2.1 Develop relevant guidelines for the approval of Council; and

7.2.2 Allocate grants during the 2020-21 Financial Year.

7.3 Allocate 50% of the 2020-21 Central Geelong Heritage Grants budget to the First Nations Heritage Grants budget;

7.4 Authorise the Director of Customer and Corporate Services to make administrative changes to the guidelines;

7.5 Note that the grants will open no later than 27 April 2020 and close on 24 May 2020; and

7.6 Note that funding recommendations for all grant categories will be presented to Council for endorsement at its meeting on 25 August 2020.

Carried.

6. BELLARINE PENINSULA 50M OUTDOOR POOL SCOPING STUDY

Source: Community Life – Leisure & Recreation Services
Director: Robyn Stevens
Portfolio: Sport and Recreation

Resolution

10. That Council:

- 10.1 Note the *Bellarine Peninsula 50m Outdoor Pool Scoping Study (February 2020)*; and
- 10.2 Refer the estimated capital and operating costs (Attachment 2) for consideration as part of the 2020-21 budget deliberations and long-term financial plan.

Carried.

7. AUDIT AND RISK COMMITTEE SUMMARY REPORT

Source: Governance, Strategy & Performance
Director: Rebecca Leonard
Portfolio: Leadership and Governance

Resolution

That in accordance with Section 89 (2) (h) of the Local Government Act 1989, this matter which the Council considers would prejudice the Council or any person, be considered at the conclusion of all other business at which time the meeting be closed to members of the public.

Carried.

NOTICE OF MOTION – Cr Asher

GEELONG COUNCIL TO DEVELOP LOCAL COMMUNITY AND ECONOMIC SUPPORT PACKAGES

1. The COVID-19 Pandemic we are now all suffering from within the City of Greater Geelong is a once in a lifetime event and will have significant impact on our community and our economy.
2. Council acknowledges we have limited financial capacity to develop supports for our community and economy, however Council acknowledges that is an unprecedented crisis and the community is looking and demanding for local leadership on this issue.
3. Based on advice and information received to date, we understand the COVID-19 pandemic life cycle to be a minimum of six months with community and economic impact likely to be much longer than this.
4. This motion calls on Council to work with the CEO and develop two support packages for Geelong: one for the remainder of the 2019-20 financial year and a separate package for the 2020-21 financial year.
5. These packages are unfunded in financial forecasts or future budgets, therefore Council is considering a fiscal policy of deficit to fund these support packages for our local community and local economy.
6. While Council does not have a financial ceiling for the cost of the packages, we do believe these packages should neither impact on the longer-term financial sustainability of the City of Greater Geelong nor create an unsustainable burden for current and future rate payers.
7. We will lobby and work with the State and Federal Government for economic stimulus support from these larger and more financial able tiers of government. The local packages we intend to develop are additional to and to supplement any support from the State and Federal Government.

Resolution (*Note changed resolution*)

That Council:

1. **Recognises that the COVID-19 Pandemic is a one-in-100 year event that will have significant and widespread community and economic impacts within the City of Greater Geelong;**
2. **Calls for an immediate review lead by all Councillors and the CEO to develop:**
 - 2.1 **A short-term package of Community and Economic Supports to be funded in the 2019-20 financial year; and**
 - 2.2 **A medium to longer-term package of Community and Economic Supports to be funded in the 2020-21 financial year.**
3. **In addition to the above reviews, endorse the following immediate support measures:**
 - 3.1 **Development of a Council COVID-19 financial hardship policy including consideration of rates;**

- 3.2 Waiver of rent/fees for community and sporting groups within City owned land/grounds and buildings for six months from 1 March 2020;
 - 3.3 Reduction of rent by 50% for eligible commercial tenants in City buildings or on City land for or six months from 1 March 2020;
 - 3.4 Refund of Alfresco Dining permit fees for 12 months;
 - 3.5 Refund of A frame permit fees for 12 months;
 - 3.6 Refund of food premises registration fees for three months of the 2019-20 financial year;
 - 3.7 Refund of health premises fees for three months of the 2019-20 financial year;
 - 3.8 Development of Business Support Portal for local businesses;
 - 3.9 Development of Small Business Expert Support Program utilising local businesses;
 - 3.10 Geelong Business Concierge Service Expansion to support business program development; and
 - 3.11 Free casual on and off street parking in Central Geelong until 30 June 2020.
4. That the development of the final 2019-20 Community and Economic Support Package must be completed and presented to Council no later than the April 2020 Council Meeting.
 5. That the development of the final 2020-21 Community and Economic Support Package must be completed by June 2020.

Carried.

NOTICE OF MOTION – Cr Asher

REVISED MAYOR AND COUNCILLORS' MEDIA & ENGAGEMENT POLICY

Resolution (*Note changed resolution*)

That the Notice of Motion be deferred.

Carried.

NOTICE OF MOTION – Cr Grzybek

LOCAL GOVERNMENT ACT 2020 – SINGLE MEMBER WARDS AND EQUAL REPRESENTATION

Resolution (*Note changed resolution*)

That the Notice of Motion be deferred.

Carried.

ASSEMBLY OF COUNCIL RECORD

Source: Governance, Strategy and Performance
Chief Executive Officer: Martin Cutter
Portfolio: Leadership & Governance

Resolution

3. That the information be received.

Carried.

PLANNING DELEGATIONS – FEBRUARY 2020

Source: Planning, Design & Development – City Development
Director: Gareth Smith
Portfolio: Planning

Resolution

7. That Council receive the information in the Schedule.

Carried.

AGENDA

ORDINARY MEETING OF COUNCIL

TUESDAY, 24 MARCH 2020

7.00PM

COUNCIL CONFERENCE AND RECEPTION CENTRE
CITY HALL
LITTLE MALOP STREET, GEELONG

COUNCIL:

Cr S Asher (Bellarine Ward)

Mayor

Cr K Grzybek (Windermere Ward)

Deputy Mayor

Cr J Mason (Bellarine Ward)

Cr T Sullivan (Bellarine Ward)

Cr E Kontelj (Brownbill Ward)

Cr S Mansfield (Brownbill Ward)

Cr P Murrphy (Brownbill Ward)

Cr B Harwood (Kardinia Ward)

Cr P Murnane (Kardinia Ward)

Cr R Nelson (Kardinia Ward)

Cr A Aitken (Windermere Ward)

SECTION A - PROCEDURAL MATTERS

➤ **Acknowledgement**

Council acknowledges Wadawurrung Traditional Owners of this land and all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

➤ **Apologies**

➤ **Confirmation of Minutes**

Ordinary Council Meeting held 25 February 2020

➤ **Declarations of Conflicts of Interest**

➤ **Public Question and Submission Time**

➤ **Petitions**

SECTION B – REPORTS

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SECTION C - NOTICES OF MOTION

SECTION D - ASSEMBLY OF COUNCIL

SECTION E - PLANNING DELEGATIONS

SECTION F - CONFIDENTIAL

1. AMENDMENT C372 – 35 HAMS ROAD AND 69-93 HAMS ROAD, WAURN PONDS – CONSIDERATION OF PANEL REPORT AND ADOPTION

Source: Planning, Design & Development – City Development
Director: Gareth Smith
Portfolio: Planning

Purpose

1. To consider the Panel Report about Amendment C372 and Planning Permits 662/2017 and 663/2017 and adopt Amendment C372.

Background

2. The Amendment primarily rezones land at 35 and 69-93 Hams Road, Waurn Ponds from Farming Zone to General Residential Zone Schedule 1 and applies Design and Development Overlay Schedule 45 to guide residential development of the land. Planning Permit applications 662/2017 and 663/2017 seek to allow subdivision of the land, removal of native vegetation, and removal of a gas easement from the land at 69-93 Hams Road that is no longer required.
3. This Amendment and planning permits implement the recommendations of the Panel to facilitate the rezoning and multi-lot residential subdivision development of the land. **Attachment 2** provides a background summary of the Amendment process, including consideration of the Panel Report.

Key Matters

4. Exhibition of the Amendment and draft planning permits in March/April 2019 resulted in 159 objections primarily addressing issues including traffic and housing density. Other concerns raised in submissions included potential for student housing, socio-economic issues, crime and safety, servicing, environmental impacts, flooding, drainage, noise and air quality, the buffer from the Boral quarry land and the consultation process.
5. The submissions were considered by Council on 25 June 2019 when it was resolved to refer all submissions to an Independent Panel appointed by the Minister for Planning.
6. Following a hearing in August 2019, the Panel's report was received on 28 October 2019. Under Section 27 of the Planning and Environment Act 1987, the Planning Authority must consider the Panel's report before deciding whether or not to adopt the Amendment.
7. The Panel found the Amendment to be well founded and strategically justified by policy and recommends that both the Amendment and planning permits be adopted with changes.
8. On balance the Panel was satisfied that the development is likely to add a relatively small amount of additional traffic to Ghazeepore Road and the surrounding network, and there are no traffic reasons to not support the proposed development. The Panel supports the proposed roundabout at the intersection with Hams Road, Ghazeepore Road and Sugargum Drive.
9. On the issue of housing density and neighbourhood character, the Panel supports the proposed density reflected in the revised Masterplan and does not consider that it will result in an unacceptable impact on the neighbourhood character.
10. Whilst the Panel's recommendation is generally supported, this report at **Attachment 2** provides the City's response.

11. It is recommended that Amendment C372 and PP662/2017 & PP663/2017 be adopted with changes and sent to the Minister for Planning requesting approval. Since the 28 January 2020 Council meeting, the two planning permits for adoption included in **Attachment 6** have been updated to include the Panel recommended conditions that were accidentally omitted by error.

Recommendation

12. That Council:

- 12.1 Adopt Amendment C372 in the form outlined in Attachment 3 of this report;**
- 12.2 Submit the adopted Amendment C372 and prescribed information to the Minister for Planning requesting approval;**
- 12.3 Recommend to the Minister for Planning that Planning Permits 662/2017 & 663/2017 be approved in the form outlined in Attachment 6 of this report; and**
- 12.4 Authorise the signing and sealing of the Section 173 Agreements accompanying this Amendment C372 to formalise developer contributions (the draft Agreement is in Attachment 5 to this report).**

Attachment 1

Financial Implications

1. The Amendment and permits are accompanied by an Agreement under Section 173 of the Planning and Environment Act 1987. A Section 173 Agreement is a voluntary agreement between Council and a landowner. They can include requirements relating to the use and development of land and they run with the title of the land. In this case, the Agreements require landowners/developers to undertake intersection and road upgrades, undertake external drainage works, provide public open space, and pay the community infrastructure contribution of \$2670 per lot for the proposed 245 residential lots.

Community Engagement

2. Amendment C372 and draft Planning permits 662/2017 and 663/2017 were exhibited in accordance with the requirements of the Planning and Environment Act 1987.
3. All submitters had an opportunity to be heard before an Independent Panel appointed by the Minister for Planning. The Panel considered all submissions referred to it, not just the submissions presented at the hearing.
4. The Independent Panel report has been publicly released and all submitters notified of its availability.

Social Equity Considerations

5. The Amendment will provide social benefits through the provision of further housing choices to the Geelong community by the range of lot sizes proposed. The future and existing residents in the area will also benefit from improved public open space, shared pathways and road intersection improvements.
6. An accompanying Section 173 Agreement will require a financial contribution towards community facilities in the Waurm Ponds, Armstrong Creek/Grovedale area.

Policy/Legal/Statutory Implications

7. The Amendment is consistent with the Greater Geelong Planning Scheme Planning Policy Framework, in particular Clauses 21.02, 21.04, 21.06, 21.08 and 21.11, which supports the residential growth of this area.

Alignment to Council Plan

8. *The Amendment aligns with the Sustainable, Built and Natural Environment and Growing our Economy* strategic priorities as it facilitates development in accordance with an adopted strategic plan.

Conflict of Interest

9. No City officer involved in the preparation of this report has any direct or indirect interest.

Risk Assessment

10. Delay in adopting Amendment C372 will impact the timeline for the subdivision development and bringing this new growth area onto the market and fulfilling Council's planning policies for the area.

Environmental Implications

11. Ecological assessments have been undertaken and show some native vegetation and habitat on the land. Planning permit conditions address the impacts on native vegetation including offsets for vegetation to be lost.
12. The subject land has a degraded and unmanaged section of waterway running through it which is part of Armstrong Creek. The masterplan, through permit conditions and the DDO schedule, will protect and improve the waterway.

Attachment 2

Background

13. Amendment C372 and permit applications 662/2017 and 663/2017 seek to facilitate the multi-lot residential subdivision and development of the land at 35 and 69-93 Hams Road, Waurm Ponds.
14. The land is around 24 hectares in size and is located on the south-west edge of urban Geelong, approximately 10 km by road from Central Geelong. It is the last Farming Zone site inside the Ring Road / Anglesea Road in this part of the municipality. It is close to the Waurm Ponds Station, Deakin University's Waurm Ponds campus, the Waurm Ponds Shopping Centre and to the Armstrong Creek West Growth Area. North of the land is the Grange Park Estate and the Powercor Waurm Ponds Zone Substation abuts the north east of the subject land. The land is bounded by:
 - 14.1 Hams Road to the north;
 - 14.2 The Geelong Ring Road (Princes Freeway) to the west;
 - 14.3 Baanip Boulevard and the Melbourne to Warrnambool railway line to the south; and
 - 14.4 Ghazeepore Road to the east.
15. The Amendment as exhibited sought to:
 - 15.1 Rezone the land from Farming Zone to General Residential Zone 1;
 - 15.2 Rezones the Barwon Reserve to Public Use Zone 1; and
 - 15.3 Apply a new Design and Development Overlay Schedule 45 to guide future residential development of the land.
16. The planning permit applications propose to allow, subject to conditions:
 - 16.1 Subdivision of the land;
 - 16.2 Remove native vegetation; and
 - 16.3 Remove a gas easement from the land at 69-93 Hams Road that is no longer required.
17. A draft Section 173 Agreement for developer contributions and offsite works was exhibited with the Amendment. This Agreement obligates the owner to provide the following as part of the subdivision of the land:
 - 17.1 Intersection works at the Hams Road and Ghazeepore Road junction;
 - 17.2 Upgrades to Hams Road;
 - 17.3 Upgrades to Ghazeepore Road;
 - 17.4 External drainage works – including within the VicRoads reserve, the Ghazeepore Road culvert and the Geelong-Warrnambool railway culvert;
 - 17.5 Community Infrastructure Contribution (voluntary) – of \$2670 per lot;
 - 17.6 Public Open Space Contribution - 10% of all developable residential land in the subdivision (unencumbered), or 10% of site value or a combination of both; and

- 17.7 Public Open Space Improvements – including landscaping, fencing, seating, signage, playgrounds and the waterway shared pathways.
18. Council's obligation is to collect and apply the Community Infrastructure Contribution to community infrastructure projects in Waurm Ponds/Grovedale areas.
19. Owners of the two properties subject to the Agreement have also agreed to make a \$500,000 contribution towards a traffic improvement study in Ghazeepore Road (a final draft Agreement, with individual landowner details removed, is at **Attachment 5**).

Discussion

20. Amendment C372 was exhibited between 13 March and 26 April 2019. As a result, 165 submissions were received of which 159 (including 77 pro forma submission) opposed/sought changes to the Amendment. Six (6) submissions either supported, did not object or provided comments.
21. The major issues raised in the submissions were:
- 21.1 traffic;
 - 21.2 proposed density of the subdivision;
 - 21.3 noise from the substation and surrounding roads and rail;
 - 21.4 drainage and flooding issues, including impacts on a VicTrack culvert under the railway corridor;
 - 21.5 ecological issues, including loss of native vegetation and loss of habitat;
 - 21.6 issues relating to the interface with the neighbouring substation and the quarry;
 - 21.7 cultural heritage impacts;
 - 21.8 potential contamination;
 - 21.9 bushfire risk and emergency vehicle access; and
 - 21.10 social issues.
22. Council minutes of 25 June 2019 summarised all submissions and provided a detailed City response to all of the issues raised.
23. All submissions were considered pursuant to Sections 22(1) & (2) of the Planning and Environment Act 1987 and referred to an Independent Panel appointed by the Minister for Planning.
24. The appointed two person panel held a directions hearing on 22 July 2019 and a four (4) day Panel Hearing in Geelong on 22, 23, 26, and 27 August 2019. Council was represented at the hearing by City officers.
25. The Panel has now presented its report to Council and recommended that Amendment C372 be adopted with some changes, and that planning permits 662/2017 and 663/2017 be issued with some changes. **Attachment 4** is the Executive Summary of the Panel Report and contains the consolidated panel recommendations.
26. A complete copy of the Panel's report is available on the Geelong Australia website www.geelongaustralia.com.au/amendments_under_the_C372 webpage.

Key Panel findings and City responses

27. The Panel Report provided discussion and a series of findings and recommendations about all the issues associated with the Amendment, planning permit and S173 Agreement. A summary and response to the key matters is provided below.

Issue – Strategic justification for the proposal

28. The Panel was not persuaded by any party that there is any reason to question the overall policy support for the proposal. The Panel noted that the strategic framework identifies the land for future residential development and rezoning is consistent with a number of high level State policy directions. At a more regional and local level, the Panel noted that the rezoning meets policy directions in the G21 Regional Growth Plan aimed at minimising the continued expansion of the urban footprint and providing a mix of infill development in suitable locations. The Panel recommends some minor amendments to the exhibited Design and Development Overlay Schedule 45, which are shown in Appendix C of this report.
29. The Panel considered that the development represented on the revised Masterplan will produce an acceptable outcome that will deliver net community benefit and sustainable development. The Panel also found that the permits should be granted, subject to the conditions outlined in their report.
30. Panel Conclusion: The Panel concluded that the Amendment is well founded and strategically justified and should proceed.
31. City response: The City concurs with this view of the Panel on the suitability and policy support for the rezoning and the recommended changes to the DDO45 and two planning permits.

Issue – Traffic impacts

32. The issue considered whether there is capacity within the current road network to accommodate the development traffic, with expert evidence presenting that there is, whilst residents identifying that they are already experiencing significant traffic congestion under current conditions, and that adding the extra traffic will make things worse.
33. The Panel also considered the submitters concerns about the internal road layout, including adequate access for emergency vehicles.
34. Panel Conclusion: The Panel concluded that the development is likely to add a relatively small amount of additional traffic to Ghazeepore Road and the surrounding network, and there are no traffic reasons to not support the proposed development. The Panel has also noted Council's acknowledgement that traffic in Ghazeepore Road is currently causing difficulties for the local residents and would likely be designed differently if it was being designed today. The Panel regards the proponent's voluntary contribution of \$500,000 toward a traffic improvement study in Ghazeepore Road, and any resulting improvement works is an appropriate response.

35. The Panel supports the proposed roundabout at the intersection with Hams Road, Ghazeepore Road and Sugargum Drive, going some way to resolving existing traffic concerns in Ghazeepore Road. The Panel has not found that the proposed development is likely to result in significant traffic increased in Grange Park Drive and does not support turn bans at the intersection of Grange Park Drive and Hams Road.
36. The Panel generally supports the proposed upgrades to Hams Road. However the Panel has not supported the 3.0 metre wide shared path on the south side of Hams Road requested by Transport for Victoria (TfV), concluding that the shared path through the creek reserve is sufficient. However, as TfV is a determining referral authority, the Panel recommended further consultation with them on this matter.
37. Based on submissions and evidence and CFA advice, the Panel is satisfied that the internal road layout can accommodate emergency vehicle access.
38. City Response: The City accepts the Panel's findings on traffic in the vicinity of the proposed development. The S173 Agreement includes the obligations for the various road and intersection upgrades, and a financial contribution to Council for a broader traffic management study of Ghazeepore Road. The City has consulted with Transport for Victoria as recommended by the Panel. TfV has advised of the strategic importance of the shared path and its connection between existing and planned paths and key origins and destinations, and requires the retention of this path, with specific conditions to be included on the permit. As a determining referral authority, the City must include these conditions and retain the shared path in the subdivision.
39. The City concurs with the Panel's conclusions that the internal road layout can accommodate emergency vehicle access and is in line with accepted subdivision standards.

Issue - Housing density and neighbourhood character

40. A key matter contested in the Hearing was the impact of the density of the proposal on the character of the established residential areas in the vicinity of the site. Many submissions did not oppose the rezoning to residential but were concerned about the relatively small lot sizes compared with those in the Grange Park Estate, the inclusion of medium density super lots and the inconsistency with the semi-rural feel of the area. Concerns about the proposed density were also held about the other amenity impacts such as on traffic in the area.
41. Panel Conclusion: The Panel supports the proposed density reflected in the revised Masterplan and does not consider that it will result in an unacceptable impact on the neighbourhood character. Larger lots are proposed along Hams Road and around the perimeter of the site, providing an appropriate interface with the Grange Park Estate. The current policy framework does not support the larger lot sizes and lower densities sought by many submitters. In fact, it supports higher densities than those proposed, given the proximity of the land to Waurin Ponds Station and other local and regional services and employment opportunities.
42. City Response: The City concurs with the Panel's conclusions on this point of submissions.

Issue – Noise

43. The subject land is in a noise constrained environment. Nearby noise sources include the Geelong Ring Road and Baanip Boulevard, the Geelong to Warrnambool railway line, the Powercor substation, the Boral quarry and the proposed pump station on the site. The Panel has considered the noise issues from each of these sources and the impacts on the residential proposal.
44. The Panel noted that noise assessments conducted to date indicate that noise from the substation exceeds the applicable criteria and that noise mitigation measures will be required to ensure the noise criteria can be met. Noise attenuation measures must not increase noise levels at existing dwellings to the north and east of the substation and that further assessment will be required. The panel also noted that noise assessments conducted to date indicate that noise levels from the railway line exceed investigation thresholds specified in the Victorian Passenger Rail Noise Policy. Noise mitigation measures will also be required to address impacts on dwellings near the railway line.
45. Panel Conclusion - While noise assessments conducted to date concluded that predicted traffic noise levels would be appropriate, the Panel has some concerns with the Traffic Noise Assessment and considers that traffic noise needs to be reassessed, and the need for noise mitigation further considered. Suitable permit conditions have been included to ensure that this occurs.
46. City Response – Conditions have been included in the planning permits as recommended by the Panel to address noise attenuation.

Issue - Flooding and Drainage

47. Submissions raised various issues about drainage and flooding of the subject land and surrounding areas. In particular, the Panel considered the adequacy of the proposed drainage scheme, flooding of Hams Road and Grange Park Estate, potential flooding impacts on the substation and the VicTrack and Ghazeeopore Road culverts.
48. Panel Conclusion - Subject to some minor refinements, the Panel concluded that the proposed drainage scheme will improve the currently degraded waterway traversing the site, and will improve existing local flooding conditions including the periodic flooding of the retarding basin and surrounding properties in the Grange Park Estate, and the flooding that occurs across Hams Road. The Panel also noted that external drainage works will be required, including upgrades to the culverts in Hams Road and Ghazeeopore Road.
49. On the issue of the use of, and impacts on, VicTrack's aging brick culvert under the Geelong to Warrnambool railway corridor, the Panel noted that the culvert is currently not performing as it should, largely due to sediment build up, and there can be significant ponding of water on both sides of the railway line. The Panel concluded that VicTrack's initial objection to the development draining through the VicTrack culvert was unreasonable and that it needs to be upgraded or replaced to allow for safe and effective drainage management. The Panel commented that further negotiations will be required between the Proponent, VicTrack and others, including Council. The Panel considers it unreasonable to expect the Proponent to bear all responsibility and cost of the upgrade or replacement.
50. City Response – The City supports these conclusions of the Panel, and has incorporated the recommended changes into the planning permit conditions and very minor reference to VicTrack in the S173 Agreement.

Issue - Ecological impact

51. The panel considered the issue of the loss of native vegetation and the impacts on fauna from the proposal. The site contains patches of remnant native vegetation as well as an off-site patch of Grassy Woodland on Hams Road. The waterway and wetlands are sensitive areas and require careful consideration. Officers noted that more detail was required on this issue and that offsets for the loss of vegetation in Hams Road would be required.
52. Panel Conclusion – The Panel concluded that the exhibited permit conditions were not sufficiently rigorous to deliver acceptable biodiversity outcomes. However the Panel supports the revised permit conditions provided by Council at the Hearing. Subject to minor refinements, the Panel concluded that they will ensure that native vegetation to be retained will be properly identified and protected, and that vegetation to be lost will be appropriately replaced or offset. The Panel identified that some changes were required to permit conditions to better protect frog species on the land (including determining whether the Growling Grass Frog is present), but the Panel is satisfied that the revised permit conditions will, if implemented, deliver a better biodiversity outcome on the land and for the surrounding area than currently exists.
53. City Response – The City supports this Panel conclusion including the refinements of the DDO45 and the inclusion of revised conditions in the two planning permits.

Issue - The Quarry

54. To the west of the subject land is the Boral quarry with stone extraction allowed up to the edge of the Boral land. While the Panel has some reservations about the impact of possible blasting activity, it found there was insufficient evidence to justify imposing a larger 500 metre buffer, which would result in most of the subject land being potentially undevelopable.
55. Panel Conclusion - It is appropriate to apply a 250 metre extractive industry buffer to both permits, and to reference this buffer in the Design and Development Overlay Schedule 45. The Panel also concluded that subdivision and development of land within the buffer should not be permitted without the consent of the Earth Resources Regulation Branch of the Department of Jobs, Precincts and Regions.
56. City Response – The City concurs with these Panel conclusions and these measures are incorporated in the DDO45 recommended for adoption.

Issue – The substation

57. The Waurm Ponds Zone Substation is located at 25 Hams Road and directly abuts the site. It has been operating in this located since 1972 and contains equipment that emits noise. Submissions were concerned that the noise emissions from the substation had not been addressed, and could negatively impact on the residential development. The Panel considered expert evidence on the issue and the varied positions of the parties to address the issue via the DDO, planning permit conditions, modifications to the subdivision design and built form and noise barriers around the substation. In particular, consideration of a 5 metre high acoustic barrier around the substation were discussed, including the potential resulting visual amenity impacts on the area.

58. Panel Conclusion – The Panel is satisfied that the impacts of the substation on the proposed development (and the reverse amenity impacts of the development on the substation) can be appropriately managed through adding permit conditions to ensure that the drainage system does not allow flooding of the substation site, and to ensure that future dwellings on the land incorporate appropriate measures to attenuate the noise generated by the substation
59. City Response – The City supports this and has incorporated appropriate conditions into the planning permits to avoid flooding of the substation and to require noise attenuation in future dwellings.

Attachment 3

Amendment C372 Adoption Documents

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C372

INSTRUCTION SHEET

The planning authority for this amendment is Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No.65 in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C372".

Overlay Maps

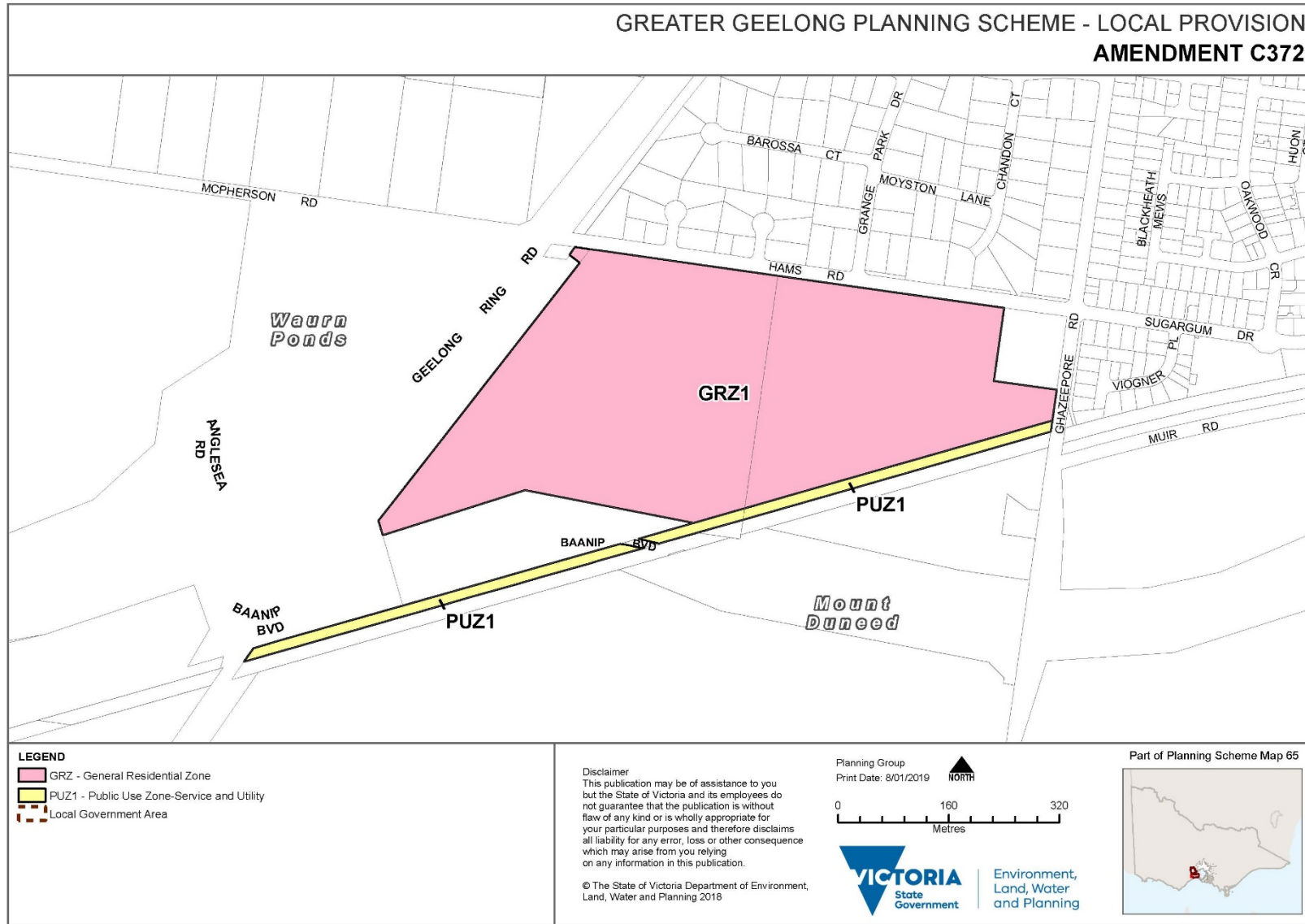
2. Amend Planning Scheme Map No.65DDO in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C372".

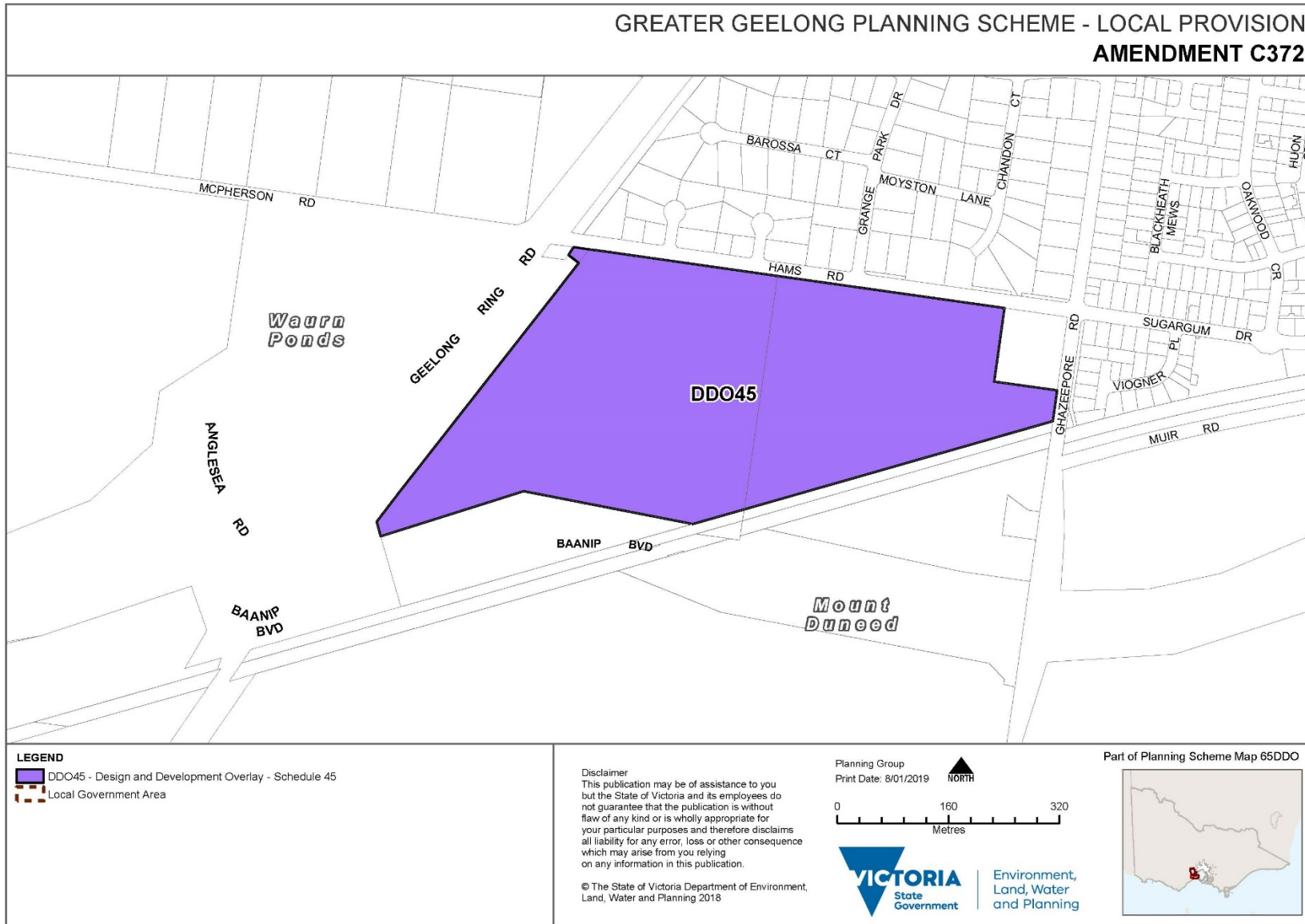
Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – Clause 43.02, insert a new Schedule 45 in the form of the attached document.

End of document





GREATER GEELONG PLANNING SCHEME

--/20--
C372

**SCHEDULE 45 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT
OVERLAY**

Shown on the planning scheme map as **DDO45**

HAMS ROAD, WAURN PONDS RESIDENTIAL SUBDIVISION

1.0 Design objectives

--/20--
C372

To ensure an appropriate transition of housing density and interface between the subject land and the residential area to the north of Hams Road.

To reinstate the natural east-west waterway and make it a central feature of the development including opportunities for environmental restoration, suitable habitat for native fauna, open space and stormwater management.

To provide a safe and interconnected transport network that includes opportunities for walking and cycling, minimises impacts on adjoining streets and directs car traffic to an upgraded Hams Road / Ghazeepore Road intersection.

To maintain an appropriate buffer between development and the quarry and extractive industries located to the south, where required.

2.0 Buildings and works

--/20--
C372

A permit is not required to construct a building or a fence or to construct or carry out works not associated with the subdivision of the land.

3.0 Subdivision

--/20--
C372

A permit to subdivide land must meet the following requirements:

Urban Design

- Subdivision design should provide a range of lot sizes and densities to encourage a variety of housing types including larger lots of a minimum 700 square metres around the perimeter of the site and conventional lots of a minimum 300 square metres towards the core of the site.
- Residential lots fronting Hams Road must have a minimum lot size of 800 square metres and a minimum frontage to Hams Road of 25 metres.
- Subdivision design must incorporate the reinstatement of the creek system as a key drainage, environmental and open space feature.
- Open space and drainage reserves should be interfaced by roads on at least three sides.
- Appropriate buffer treatments, interfaces, setbacks and acoustic treatments (where required) must be provided to: the Powercor electrical substation utility; Princes Freeway and Baanip Boulevard; Geelong-Warrnambool Railway Line and the land south of the railway line which may be subject to future extractive industry.
- An acoustic report prepared by a suitably qualified acoustic consultant must be provided that:
 - reassesses predicted noise levels from the Geelong Ring Road and from Baanip Boulevard at future dwellings on the subject land in accordance with the noise criteria in AS2017:2016 and the VicRoads Traffic Noise Reduction Policy. The assessment must include dwellings along the Geelong Ring Road, dwellings along Baanip Boulevard and dwellings along Hams Road with a line of sight to the Geelong Ring Road
 - recommends appropriate noise attenuation measures to ensure that predicted noise emissions from the Geelong Ring Road and from Baanip

GREATER GEELONG PLANNING SCHEME

Boulevard comply with the noise criteria in AS2017:2016 and the noise objectives in the VicRoads Traffic Noise Reduction Policy

- recommends appropriate noise attenuation measures to ensure that noise emissions from the Powercor substation:
 - comply with the recommended maximum noise levels in EPA Publication 1411, Noise from Industry in Regional Victoria (NIRV) at all dwellings and other noise sensitive uses proposed on the land at 35 Hams Road
 - are not increased at any existing dwellings located to the north and east of the Powercor substation
- demonstrates to the satisfaction of the Responsible Authority and Powercor that the above requirements can be met.

Stormwater Management

- Land must be set aside for drainage purposes to meet peak discharge limits and water sensitive urban design elements in accordance with performance objectives of Urban Stormwater: Best Practice Environmental Management Guidelines (CSIRO,1999), Infrastructure Design Manual, and CoGG Design Notes.
- The design of retarding basins must have sufficient land area set aside for heavy vehicle access and sediment drying; as well as measures to mitigate mosquito breeding in accordance with best practice guidelines.
- A stormwater management system must be designed to ensure that:
 - peak discharge rates and pollutant loads of all stormwater leaving the site post development are regulated to integrate with downstream infrastructure, at no greater than pre-development rates.
 - no adverse impacts to any surrounding land, upstream or downstream.

Traffic and Pedestrian Movements

- An integrated and continuous network of safe and convenient footpaths and shared paths including a shared pathway along the full length of the creek reserve with connections to Hams Rd, Ghazeepore Road and the Princes Freeway path.
- Vehicle access to the site to be from Hams Road only with no direct access to Ghazeepore Road.
- Upgrading of the intersection at Hams Road and Ghazeepore Road including a safe pedestrian and cycle crossing of Ghazeepore Road.
- Upgrading and widening of Hams Road between the Hams Road court bowl and the intersection at Ghazeepore Road.
- Local area traffic management treatments to discourage and minimise vehicle movements from the development into Grange Park Drive.

Public Open Space

- A creek reserve of approximately 30 metres either side of the reinstated east-west waterway.
- One centrally located local park of approximately one hectare, of regular shape and in close proximity to the creek reserve.
- An open space contribution (in cash or land or a combination of both) to a minimum of 10% of the developable residential land not including encumbered land such as buffer treatments, drainage reserves and land within the creek reserve.

An application to subdivide land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

4.0

Signs

—1-20—
C372

None specified

GREATER GEELONG PLANNING SCHEME

5.0 Application requirements

~~420~~
C372 None specified

6.0 Decision guidelines

~~420~~
C372

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The need to ensure the coordinaton, sequencing and efficient delivery of service infrastructure, road connections and open space across the properties subject to this overlay.

Attachment 4

C372 Panel Report Executive Summary

Greater Geelong Planning Scheme Amendment C372 and Permit Applications 662/2017 and 663/2017
Panel Report | 28 October 2019

Executive summary

(i) Summary

Greater Geelong Planning Scheme Amendment C372 (the Amendment) seeks to rezone the land at 35 Hams Road and 63-69 Hams Road Wauran Ponds from Farming Zone to General Residential Zone, and to apply Design and Development Overlay Schedule 45 to guide the residential development of the land. The Amendment was accompanied by two permit applications (draft Permit 662/2017 and draft Permit 663/2017), which seek permission to subdivide the land, remove native vegetation, and remove a gas easement from the land at 69-93 Hams Road that is no longer required.

The land is surrounded by the Geelong Ring Road, the Geelong to Warrnambool railway line, Hams Road and Ghazeepore Road. It is the last remaining parcel of Farming Zone land inside the Geelong Ring Road in this part of Geelong. It is close to the Wauran Ponds Station, Deakin University's Wauran Ponds campus, the Wauran Ponds shopping centre and the Armstrong Creek West Growth Area.

The Grange Park Estate, which has larger semi-rural style lots, is located to the immediate north of the subject land, and the Powercor Wauran Ponds Zone Substation abuts the north east corner of the subject land. The land to the south of the railway line is owned by Boral, and has a current approved Work Authority for limestone, scoria and basalt extraction and quarrying. A high pressure gas pipeline is located within the VicRoads road reserve of the Geelong Ring Road, close to the western boundary of the subject land.

Council received 165 submission in response to the exhibition of the Amendment and draft permits. 159 of those submissions objected to the proposal (including 77 pro forma submissions). Submissions raised many and varied issues, but the key concerns related to the proposed density of the subdivision, and traffic. Other concerns included:

- noise from the substation and surrounding roads and rail
- drainage and flooding issues, including impacts on a VicTrack culvert under the railway corridor
- ecological issues, including loss of native vegetation and loss of habitat
- issues relating to the interface with the neighbouring substation and the quarry
- cultural heritage impacts
- potential contamination
- bushfire risk and emergency vehicle access
- social issues.

The Amendment is well founded and strategically justified, and should proceed. The strategic framework identifies the land for future residential development. The rezoning is consistent with a number of high level State policy directions, including ensuring an adequate supply of residential land, providing for a diversity of housing choice, and providing housing in locations that are close to public transport, employment and services. At a more regional and local level, the rezoning meets policy directions in the G21 Regional Growth Plan aimed at minimising the continued expansion of the urban footprint and providing a mix of infill development in suitable locations. The Panel recommends some

minor amendments to the exhibited Design and Development Overlay Schedule 45, which are shown in Appendix C of this report.

On balance, the Panel considers that the development represented on the revised Masterplan will produce an acceptable outcome that will deliver net community benefit and sustainable development. The permits should be granted, subject to the conditions contained in Appendices D and E of this report.

Traffic

The material presented to the Panel in relation to traffic, particularly on Ghazeepore Road, raises a conundrum. On the one hand, the expert evidence concluded with some confidence that there is more than adequate capacity in the current road network to accommodate the development traffic. On the other, residents have told the Panel that they are already experiencing significant traffic congestion under current conditions, and that adding the extra traffic will make things worse – some say unacceptable.

On balance, the Panel is satisfied that the development is likely to add a relatively small amount of additional traffic to Ghazeepore Road and the surrounding network, and there are no traffic reasons to not support the proposed development. That said, Council acknowledges that the traffic in Ghazeepore Road is currently causing difficulties for the local residents, and both experts considered that Ghazeepore Road would be designed differently if it was being designed today. The Proponent has volunteered to contribute \$500,000 toward a traffic improvement study in Ghazeepore Road, and any improvement works recommended by that study. The Panel regards this as an appropriate response.

The Panel supports the proposed roundabout at the intersection with Hams Road, Ghazeepore Road and Sugargum Drive. This should contribute to resolving some of the existing traffic concerns in Ghazeepore Road.

Based on the evidence, the Panel does not anticipate that the proposed development is likely to result in significant traffic increased in Grange Park Drive. It does not support turn bans at the intersection of Grange Park Drive and Hams Road, as this would place unreasonable restrictions on the existing residents of the Grange Park Estate.

The Panel generally supports the proposed upgrades to Hams Road, and considers that they will create more than enough capacity to accommodate the development traffic. It does not, however, support the 3.0 metre wide shared path on the south side of Hams Road requested by Transport for Victoria. It considers that the shared path through the creek reserve is sufficient, and that the cross section of Hams Road will be more functional and deliver better outcomes for the residents of the proposed development and the surrounding community if the shared path is not included. Council should seek agreement from Transport for Victoria (which is a determining referral authority) to remove this requirement.

Submitters raised concerns about the internal road layout, including that local streets would not be wide enough for emergency vehicles to access lots within the subdivision. Based on Council's submissions, the evidence and the response from the Country Fire Authority, the Panel is satisfied that the internal road layout, including the width of local streets, is appropriate and in line with accepted subdivision standards. It was also not persuaded that

the location of the main access road into the subdivision, opposite the entrance to Champagne Court, was inappropriate.

Housing density and neighbourhood character

The Panel supports the proposed density reflected in the revised Masterplan, and does not consider that it will result in an unacceptable impact on the neighbourhood character. Larger lots are proposed along Hams Road and around the perimeter of the site, providing an appropriate interface with the Grange Park Estate. The current policy framework does not support the larger lot sizes and lower densities sought by many submitters. In fact, it supports higher densities than those proposed, given the proximity of the land to Waurin Ponds Station and other local and regional services and employment opportunities.

Noise

The subject land is in a noise constrained environment. Nearby noise sources include the Geelong Ring Road and Baanip Boulevard, the Geelong to Warrnambool railway line, the Powercor substation, the Boral quarry and the proposed pump station on the site.

Noise assessments conducted to date indicate that noise from the substation exceeds the applicable criteria. Noise mitigation measures will be required to ensure the noise criteria can be met. Noise attenuation measures must not increase noise levels at existing dwellings to the north and east of the substation. This will require further assessment.

Noise assessments conducted to date indicate that noise levels from the railway line exceed investigation thresholds specified in the *Victorian Passenger Rail Noise Policy*. Noise mitigation measures will also be required to address impacts on dwellings near the railway line.

While noise assessments conducted to date concluded that predicted traffic noise levels would be appropriate, the Panel has some concerns with the Traffic Noise Assessment and considers that traffic noise needs to be reassessed, and the need for noise mitigation further considered. Suitable permit conditions have been included to ensure that this occurs.

Flooding and drainage

Subject to some further minor refinements, the proposed drainage scheme will improve the currently degraded waterway traversing the site, and will improve existing local flooding conditions including the periodic flooding of the retarding basin and surrounding properties in the Grange Park Estate, and the flooding that occurs across Hams Road. The rehabilitated waterway will have reduced sediment loads through better erosion control, good connectivity through the site and improved water quality. External drainage works will be required, including upgrades to the culverts in Hams Road and Ghazepore Road.

One of the more controversial issues relating to the proposed drainage scheme was the use of, and impacts on, VicTrack's aging brick culvert under the Geelong to Warrnambool railway corridor. The culvert is currently not performing as it should, largely due to sediment build up, and there can be significant ponding of water on both sides of the railway line. VicTrack initially objected to the development draining through the VicTrack culvert. This is not reasonable, as the culvert is located on the natural drainage line and there is no other logical point (other than a new culvert under the railway line) that could be used.

That said, the culvert will need to be upgraded or possibly replaced to allow the subject land to be safely and effectively drained without impacting on the railway line. Ultimately the question of whether the culvert should be upgraded or replaced needs to be resolved through further negotiations between the Proponent, VicTrack and other stakeholders (including Council, who is the local drainage authority). The Panel makes the observation, however, that whether the culvert is upgraded or replaced, VicTrack will have reduced maintenance costs and an asset with improved functionality and a longer life. The Panel considers it is unreasonable to expect the Proponent to bear the full responsibility and cost of the upgrade or replacement.

Ecological issues

The exhibited permit conditions were not sufficiently rigorous to deliver acceptable biodiversity outcomes. However the Panel supports the revised permit conditions provided by Council with its Part B submissions. Subject to minor refinements, they will ensure that native vegetation to be retained will be properly identified and protected, and that vegetation to be lost will be appropriately replaced or offset. Some changes are required to permit conditions to better protect frog species on the land (including determining whether the Growling Grass Frog is present), but the Panel is satisfied that the revised permit conditions will, if implemented, deliver a better biodiversity outcome on the land and for the surrounding area than currently exists.

The quarry

Boral's current Work Authority allows stone extraction up to the edge of the Boral land. It is appropriate to apply a 250 metre extractive industry buffer to both permits, and to reference this buffer in the Design and Development Overlay Schedule 45. Subdivision and development of land within the buffer should not be permitted without the consent of the Earth Resources Regulation Branch of the Department of Jobs, Precincts and Regions. While the Panel has some reservations about the impact of possible blasting activity on the Boral land, there was insufficient evidence or information before it to justify imposing a larger 500 metre buffer from the boundary of the Boral land, which would result in most of the subject land being potentially undevelopable.

The substation

The Panel is satisfied that the impacts of the substation on the proposed development (and the reverse amenity impacts of the development on the substation) can be appropriately managed. Permit conditions are required to ensure that the drainage system does not allow for any flooding of the substation site, and to ensure that future dwellings on the land incorporate appropriate measures to attenuate the noise generated by the substation.

Other issues

In relation to the other issues raised by submitters, the Panel considers that:

- Council's revised permit conditions requiring further assessment of the site for contamination adequately address any potential contamination concerns.
- The recommendations of the Cultural Heritage Management Plan, which has been assessed and approved by the Wathaurung Aboriginal Corporation, are appropriate to manage any impacts of the proposed development on cultural heritage.

- The bushfire risk is low, and can be appropriately managed.
- There is no basis for concluding that the development will result in crime, social problems, 'ghettoes' or 'slums'.

(ii) Recommendations

Primary recommendations

Based on the reasons set out in this Report, the Panel makes the following primary recommendations:

- 1. Adopt Greater Geelong Planning Scheme Amendment C372 as exhibited, with the changes to the Design and Development Overlay Schedule 45 as shown in Appendix C.**
- 2. Issue Planning Permit 662/2017 for the multi-lot staged subdivision and removal of native vegetation on land at 35 Hams Road Wauran Ponds, subject to the permit conditions contained in Appendix D.**
- 3. Issue Planning Permit 663/2017 for the multi-lot staged subdivision, removal of native vegetation and removal of an easement (gas) on land at 69-93 Hams Road Wauran Ponds, subject to the permit conditions contained in Appendix E.**

Based on the reasons set out in this Report, the Panel makes the following detailed recommendations in relation to changes to the Design and Development Overlay Schedule 45 and the draft permit conditions for Permits 662/2017 and 663/2017. These detailed recommendations are based on the exhibited version of the Design and Development Overlay Schedule 45, and the revised draft permit conditions for Permits 662/2017 and 663/2017 attached to Council's Part B submission.

Changes to the exhibited Design and Development Overlay Schedule 45 (Appendix C)

- 4. Remove references to the shared path on the south side of Hams Road from the Design and Development Overlay Schedule 45.**
- 5. Include Council's proposed changes relating to housing density and lot sizes attached to its Part A submission, but delete the following requirement:**

Lots fronting Hams Road must include a restriction preventing them from containing more than one dwelling and being further subdivided.

In the alternative, reword the requirement as follows:

A section 173 agreement must be entered into in respect of the lots fronting Hams Road preventing the construction of more than one dwelling on each lot, and preventing the lots from being further subdivided.

- 6. Amend the Design and Development Overlay Schedule 45 to include the following additional requirement under the heading 'Urban Design':**

An acoustic report prepared by a suitably qualified acoustic consultant must be provided that:

- recommends appropriate noise attenuation measures to ensure that noise emissions from the Powercor substation:
 - comply with the recommended maximum noise levels in EPA Publication 1411, *Noise from Industry in Regional Victoria (NIRV)* at all dwellings and other noise sensitive uses proposed on the land at 35 Hams Road
 - are not increased at any existing dwellings located to the north and east of the Powercor substation
 - demonstrates to the satisfaction of the Responsible Authority and Powercor that the above requirements can be met.
7. Amend the Design and Development Overlay Schedule 45, to include the following additional requirement under the heading 'Urban Design':

An acoustic report prepared by a suitably qualified acoustic consultant must be provided that:

- reassesses predicted noise levels from the Geelong Ring Road and from Baanip Boulevard at future dwellings on the subject land in accordance with the noise criteria in AS2017:2016 and the VicRoads Traffic Noise Reduction Policy. The assessment must include dwellings along the Geelong Ring Road, dwellings along Baanip Boulevard and dwellings along Hams Road with a line of sight to the Geelong Ring Road
 - recommends appropriate noise attenuation measures to ensure that predicted noise emissions from the Geelong Ring Road and from Baanip Boulevard comply with the noise criteria in AS2017:2016 and the noise objectives in the VicRoads Traffic Noise Reduction Policy
 - demonstrates to the satisfaction of the Responsible Authority that the above requirements can be met.
8. Amend the second design objective in the Design and Development Overlay Schedule 45 to read:
- To reinstate the natural east-west waterway and make it a central feature of the development including opportunities for environmental restoration, suitable habitat for native fauna, open space and stormwater management.
9. Amend the Design and Development Overlay Schedule 45 to include the following additional design objective:

To maintain an appropriate buffer between development and the quarry and extractive industries located to the south, where required.

Changes to revised Permits 662/2017 and 663/2017 (Appendices D and E)

10. Include the following sub-conditions in condition 1 of each permit, in relation to changes to the Overall Subdivision Masterplan:

- (#) remove references to turn bans at the Grange Park Drive/Hams Road intersection;
 - (#) the active pedestrian path through the creek reserve to be a minimum of 3.5 metres wide and connected to the existing shared path that runs alongside the Geelong Ring Road;
 - (#) show an extractive industry buffer extending 250 metres from the boundary of the land zoned Special Use Zone 7 to the south of the railway line;
11. Amend condition 1(g) in Permit 662/2017 to insert the words 'ultra low floor' after 'a 12 m long', as shown in Appendix D.
12. Amend the conditions in Permit 662/2017 to specify that the roundabout at the Hams Road intersection must be constructed as part of the Stage 1 roadworks for Hams Road.
13. Seek the agreement of Transport for Victoria to withdraw its requirement for conditions requiring a 3 metre wide shared path on the south side of Hams Road.
- a) If Transport for Victoria agrees, include the following sub-condition in condition 1 of each permit, in relation to changes to the Overall Subdivision Masterplan:
 - (#) remove the shared path on the south side of Hams Road.
 - b) If Transport for Victoria does not agree, include the following conditions in both permits:
 - A sub-condition in condition 1 that reads "a minimum 3 metre wide shared user path (off road), on the southern side of Hams Road from the Geelong Ring Road underpass, along the length of Hams Road, across Ghazeepore Road connecting to Sugargum Drive"
 - A new condition that reads "Unless otherwise agreed to in writing with the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stages that contain or abut Hams Road, the shared user path (off road) on the south side of Hams Road must be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria."
14. Reword condition 9 of Permit 663/2017 to read:
- Unless otherwise approved in writing, works for stage 1 of the development cannot commence unless the works to upgrade Hams Road required under both this permit and Permit 662/2017 are completed to the satisfaction of the Responsible Authority.
15. Include a condition in Permit 662/2017 to require revised acoustic report(s) that:
- a) makes recommendations for noise mitigation measures to ensure noise emissions from the Powercor substation:
 - meet the maximum recommended noise levels in *Noise from Industry in Rural Victoria* at all future dwellings on the land

- are not increased at existing dwellings to the north and east of the substation
 - b) demonstrates (including through further modelling) that the above requirements can be met, to the satisfaction of the Responsible Authority and Powercor.
16. Include a condition in both permits to require revised acoustic report(s) that:
- a) reassess the need for noise mitigation measures to ensure noise emissions from the Geelong Ring Road and Baanip Boulevard meet relevant policy requirements
 - b) demonstrates (including through further modelling) that the above requirements can be met, to the satisfaction of the Responsible Authority and Powercor.
17. Include conditions in both permits that ensure that the recommendations of the revised acoustic report(s) are implemented to the satisfaction of the Responsible Authority, including (where appropriate) through restrictions on the titles of relevant lots.
18. Amend the rail noise conditions in both permits to specify noise criteria to be met rather than specific noise attenuation measured to be incorporated into future dwellings.
19. Amend the conditions relating to drainage engineering plans (condition 15 in both permits) to require the plans to:
- a) be prepared by a suitably qualified engineer;
 - b) incorporate the recommendations of the Surface Water Management Strategy relating to geotechnical investigations, watertight wetland bases and non-dispersive topsoil;
 - c) include all external drainage works;
 - d) include any temporary drainage works that may be required if one part of the land develops before the other;
 - e) ensure that no water is discharged to the Powercor utility site during a 1% AEP flood event;
 - f) provide for further modelling (if required by the Responsible Authority) to demonstrate that the drainage scheme can meet the requirements of the permit before the Responsible Authority endorses the drainage engineering plans.
20. Amend condition 29 in Permit 662/2017 to:
- a) include the upgrade of the Hams Road culvert (as well as the drainage works in the VicRoads road reserve, the Ghazeepore Road culvert and the VicTrack culvert);
 - b) refer to 'cleaning, upgrading or replacing, where necessary' the VicTrack culvert, to the satisfaction of the Responsible Authority and VicTrack.
21. Amend the native vegetation conditions in both permits to require:
- a) the draft Ecological Vegetation Classes present on the site to be confirmed;

- b) the final offset to be provided for each site to be determined by a suitably qualified professional once the design of the subdivision and the Hams Road upgrades are finalised;
- c) offsets to be provided onsite where possible.

22. Amend the fauna conditions in both permits to require:

- a) a pre-clearance survey to assess the presence of Growling Grass Frog, Golden Sun Moth, Ballion's Crake and Barking Owl – the survey must be undertaken during the optimal breeding season for the Growling Grass Frog;
- b) the salvage and relocation of any frog species under the supervision of a qualified zoologist prior to works commencing.

23. Include the following conditions on both permits:

Department of Jobs, Precincts and Regions – Earth Resources Regulation Branch
Land affected by the 250 metre extractive industry buffer as shown on the endorsed plan must not be subdivided or developed without the further written agreement of the Department of Jobs, Precincts and Regions.

24. Include a condition on both permits requiring the Construction Management Plan to reflect the recommendations of the approved Cultural Heritage Management Plan, as shown in Appendices D and E.

25. Seek clarification from Downer as to what capacity it recommended the conditions contained in its letter dated 14 September 2017 (part of Document 14). If the conditions were recommended in its capacity as a determining referral authority, include them in Permit 663/2017 unless Downer agrees otherwise.

Changes to the draft section 173 agreement

26. Include provisions in the section 173 agreement requiring the Proponent to pay the voluntary contribution of \$500,000 towards a traffic study and traffic improvements in Ghazeepore Road, and requiring Council to undertake the study and improvements within two years of receiving the payment.

27. If drainage works are required on the Powercor site to achieve no water discharge to the Powercor site during a 1% AEP flood event, include them in the section 173 agreement.

28. Amend clause 6.2 of the exhibited draft section 173 agreement by:

- a) inserting the words 'cleaning, upgrading or replacing, where necessary, the' before the words 'Geelong-Warrnambool railway culvert';
- b) inserting the words 'and VicTrack' after the words 'to the satisfaction of the Responsible Authority'.

Attachment 5

S173 Agreement – Amendment C372 – 35 and 69-93 Hams Road, Waurn Ponds

THIS AGREEMENT is made the day of 2019

BETWEEN

1. **GREATER GEELONG CITY COUNCIL** of 30 Gheringhap Street, Geelong in the State of Victoria (**Responsible Authority**); and
2. **Echin Pty Ltd.** of (**Owner 1**);
and
3. **and** both of
(**Owner 2**)

RECITALS:

- R.1. Owner 1 is the registered proprietor of the land known as 69-93 Hams Road, Waurn Ponds, being the land described in Certificates of Title Volume 11269 Folios 107, 108, 109 (**Anglesea Road Land**).
- R.2. Owner 2 is the registered proprietor of the land known as 35 Hams Road, Waurn Ponds, being the land described in Certificate of Title Volume 10316 Folio 630 (**Hams Road Land**).
- R.3. Together Owner 1 and Owner 2 are referred to in this Agreement as the Owner.
- R.4. Together the Anglesea Road Land and the Hams Road Land are referred to in this Agreement as the Land.
- R.5. The Responsible Authority is responsible for the administration and enforcement of the Planning Scheme pursuant to the provisions of the Act.
- R.6. The Owner requested that the Land be rezoned and on 13 March 2019 the Responsible Authority exhibited Amendment C372 to the Greater Geelong Planning Scheme (**Amendment**). The Amendment proposes to:
 - i) Rezone the Hams Road Land and the Anglesea Road Land, from Farming Zone (FZ) to the General Residential Zone Schedule 1 (GRZ1).
 - ii) Rezone the Barwon Water land between the site to be rezoned for residential purposes as outlined in part i) above and the Geelong/Warrnambool railway from Farming Zone to Public Use Zone 1 (PUZ1).
 - iii) Insert and apply a new Schedule 45 to Clause 43.02 Design and Development Overlay (DDO4) to Land.
- R.7. The Owner has voluntarily agreed to pay to the Responsible Authority:
 - i) a \$2670 contribution in respect of each residential lot created by the subdivision of the Land on the basis that the Responsible Authority will then apply such funds provided to the provision of community facilities in the Waurn Ponds/Grovedale area of the municipality; and
 - ii) a \$500,000 contribution on the basis that the Responsible Authority will:
 - (1) use such funds to undertake a traffic study of Ghazeepore Road; and

- (2) undertake any capital works that are recommended by the traffic study to address the increased usage of Ghazeepore Road that may result as a consequence of the subdivision of the Land, to the extent that such capital works are funded by the \$500,000 contribution.

This Agreement secures these voluntary contributions.

- R.8. This Agreement is entered into between the Responsible Authority and the Owner pursuant to section 173 of the Act in order to achieve the objectives of planning in Victoria and to secure and deliver the necessary internal and external works associated with the future subdivision and development of the land for residential purposes and to secure the voluntary contribution of the Owner.

IT IS AGREED AS FOLLOWS:

Definitions

1. In this Agreement unless inconsistent with the context or subject matter:
 - 1.1. **Act** means the *Planning and Environment Act 1987*;
 - 1.2. **Agreement** means this Agreement and any agreement executed by the parties varying or expressed to be supplemental to this Agreement;
 - 1.3. **"Adjustment Index"** means either the ANZSIC Class 3101 – 'Road and Bridge Construction – Australia' index or ANZSIC Class 3101 – 'Road and Bridge Construction – Victoria' index at the sole discretion of provided that the amount of any adjustment will be no lower than the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics;
 - 1.4. **Amendment** means Amendment C372 to the Planning Scheme;
 - 1.5. **Community Infrastructure Contribution** means a payment of \$2670 indexed in accordance with this Agreement.
 - 1.6. **DDO** means the Design and Development Overlay being applied to the Land by Greater Geelong Planning Scheme Amendment C372;
 - 1.7. **Encumbered Land** means all land which includes all existing and proposed drainage lines, retarding basins, lakes, wetlands, land subject to a risk of landslip and liable for flooding, drainage basins, plantation buffer treatments (unless it is demonstrated to the Responsible Authority's satisfaction that the plantation buffer treatments can be used for open space), land within the natural west-east waterway defined as the bed and banks and that area generally 30 metres either side of the creek bank;
 - 1.8. **External Drainage works** means those drainage works:
 - a) that are necessary as a result of the proposed subdivision and development of the Land, in accordance with plans required as a condition of the Planning Permit; and
 - b) that fall outside the area of the Land.
 - 1.9. **Drainage Plans** means the detailed drainage plans required to be prepared as a condition of the Planning Permit;
 - 1.10. **Ghazeepore Road Traffic Study** means an assessment undertaken by a qualified traffic engineer of the current and future traffic conditions on Ghazeepore Road commissioned by the Responsible Authority and paid for by funds from the Traffic Study and Works Contribution;

- 1.11. **Intersection** means an upgraded intersection arrangement at the Hams Road and Ghazeepore Road junction as specified in the conditions and plans approved under the Planning Permit;
- 1.12. **Land** means the land described in Recitals 1 and 2;
- 1.13. **Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Register of Titles as Mortgagee of the Land or any part of it;
- 1.14. **Landscape Masterplan** means the Landscape Masterplan required to be prepared as a condition of the Planning Permit;
- 1.15. **Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the Land or any part of it, and includes a Mortgagee in possession;
- 1.16. **party or parties** means the Owner and the Responsible Authority under this Agreement as appropriate;
- 1.17. **Planning Permit** means Planning Permit 662/2017, 663/2017 (and any amendment to these documents) and any subsequent permit issued for subdivision of the Land;
- 1.18. **Planning Scheme** means the Greater Geelong Planning Scheme and any successor instrument or other planning scheme which applies to the Land;
- 1.19. **Residential Lot** means a lot to be created on a proposed subdivision of the Land which in the reasonably formed view of the Responsible Authority is intended for development for the purpose of a dwelling without further subdivision.
- 1.20. **Responsible Authority** means Greater Geelong City Council as the authority responsible for administering and enforcing the Planning Scheme and includes its agents, officers, employees, servants, workers and contractors and any subsequent person or body which is the responsible authority for the Planning Scheme;
- 1.21. **Road Network and Traffic Management Plans** means the Road Network and Traffic Management Plans required to be prepared as a condition of the Planning Permit; and
- 1.22. **Traffic Study and Works Contribution** means a payment of \$500,000 in accordance with clause 7 of this Agreement;
- 1.23. **Urban Design Masterplan** means the Urban Design Masterplan or subdivision plans approved under the Planning Permit.

Interpretation

- 2. In the interpretation of this Agreement unless inconsistent with the context or subject matter:
 - 2.1. The singular includes the plural and the plural includes the singular;
 - 2.2. A reference to a gender includes a reference to all other genders;
 - 2.3. Words (including defined expressions) denoting persons will be deemed to include all trusts, bodies and associations, corporate or unincorporated, and vice versa;
 - 2.4. A reference to a person includes a reference to a firm, corporation, association or other entity and their successors in law;

- 2.5. A reference to a statute includes any statute amending, consolidating or replacing that statute and includes any subordinate instruments made under that statute;
- 2.6. The Recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals;
- 2.7. References to the parties will include their transferees, heirs, assigns, and liquidators, executors and legal personal representatives as the case may be;
- 2.8. Reference to a document or agreement includes reference to that document or agreement as changed, novated or replaced from time to time, and
- 2.9. Where a word or phrase is given a definite meaning in this Agreement, a part of speech or other grammatical form for that word or phrase has a corresponding meaning.

Specific Obligations of the Owner

Intersection works at the Hams Road and Ghazeepore Road junction

3. The Owner covenants, acknowledges and agrees with the Responsible Authority that:
 - 3.1. It will construct the Intersection to such standard as specified in the conditions and plans approved under the Planning Permit to the satisfaction of the Responsible Authority;
 - 3.2. It will construct the Intersection prior to or by the time specified in the Planning Permit.
 - 3.3. It is responsible for obtaining all approvals, and adherence to maintenance periods, costs, fees and charges associated with the construction of the Intersection

Upgrades to Hams Road

4. The Owner covenants, acknowledges and agrees with the Responsible Authority that:
 - 4.1. It will undertake improvements within the Hams Road reserve to the standard specified in the conditions and plans approved under the Planning Permit to the satisfaction of the Responsible Authority;
 - 4.2. Improvements must include, but not be limited to roadworks such as asphaltting, line marking, kerb and channel and connection to the intersection at Ghazeepore Road; drainage works; footpaths; pedestrian crossings; signage
 - 4.3. It will construct the improvements within the Hams Road reserve prior to or by the time specified in the Planning Permit
 - 4.4. It is responsible for obtaining all approvals, and adherence to maintenance periods, costs, fees and charges associated with the construction to the Hams Road reserve.

External drainage works

5. The Owner covenants, acknowledges and agrees with the Responsible Authority:
 - 5.1. It will be responsible for the all External Drainage Works within the VicRoads reserve (Geelong Ring Road Section 4B) to connect and channel the existing drainage network extending from the Ring Road/shared path, to the open waterway reserve in the Land, to the standard specified in the Planning Permit to the satisfaction of the Responsible Authority;

- 5.2. It will be responsible for External Drainage Works, including but not be limited to: cleaning, upgrading, or replacing, where necessary, the Ghazeepore Road culvert and Geelong-Warmambool railway culvert to the standard specified in the Planning Permit to the satisfaction of the Responsible Authority and VicTrack;
- 5.3. It will construct the External Drainage Works prior to or at the time specified in the Planning Permit.
- 5.4. It is responsible for obtaining all approvals, and adherence to maintenance periods, costs, fees and charges associated with the construction
of the External Drainage Works.

Community Infrastructure Contribution

6. The Owner covenants, acknowledges and agrees with the Responsible Authority that:
 - 6.1. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 in respect of any subdivision or stage of subdivision which would create a Residential Lot, it will pay the Responsible Authority the community infrastructure contribution and will be determined by multiplying the number of Residential Lots to be created by the plan of subdivision by the contribution amount per lot, being \$2670 per lot as at the date of this Agreement,
 - 6.2. The community infrastructure contribution referred to in this clause 7 will be adjusted on 1 July each year following the execution of this Agreement by reference to the Adjustment Index.

Traffic Study and Works Contribution

7. The Owner covenants, acknowledges and agrees with the Responsible Authority that:
 - 7.1. within 60 days of receiving a written request from the Responsible Authority pursuant to clause 12.2.1 of this Agreement, it will pay the Responsible Authority the Traffic Study and Works Contribution

Public Open Space Contribution

8. The Owner covenants, acknowledges and agrees with the Responsible Authority that:
 - 8.1. Prior to the issue of a Statement of Compliance for each stage of subdivision on the Land, it will make a contribution to the Responsible Authority for public open space of 10% of all developable residential land in that stage of subdivision, or 10% of the site value of the Land in that stage of subdivision, or a combination of both which is to the Responsible Authority's satisfaction.
 - 8.2. The public open space contribution of 10% of developable residential land will only be credited where:
 - 8.2.1. The land is to be vested or transferred to the Responsible Authority via the relevant plan of subdivision;
 - 8.2.2. It is identified as unencumbered open space in the approved Open Space and Landscape Masterplan or any other component of the Development Plan.
 - 8.2.3. The land is not Encumbered Land.

- 8.2.4. The land is otherwise free from any contamination, and sown to grass or such other finish as is approved by the Responsible Authority.
- 8.3. Each area of public open space identified as public open space in the approved Development Plan must be shown as a reserve on the plan of subdivision for the relevant part of the Land so as to vest in the Responsible Authority upon the registration of the plan of subdivision.
- 8.4. Notwithstanding clause 8.2.3, the shared user path within the creek reserve proposed on the Land will be credited towards the public open space contribution of 10% of all developable residential land.

Public Open Space Improvements

- 9. The Owner covenants, acknowledges and agrees with the Responsible Authority that:
 - 9.1. Prior to vesting public open space in Council will undertake improvements within public open space areas to the standard specified in the Landscape Masterplan and in detailed plans approved pursuant to the Planning Permit to the satisfaction of the Responsible Authority
 - 9.2. It will be responsible for improvements, including but not be limited to: landscaping, fencing, seating, wayfinding/signage, playgrounds and the shared pathway to be constructed along the natural west-east waterway connecting to the existing road and shared path network.
 - 9.3. It is responsible for all costs, fees and charges associated with the improvement of the public open space areas.

Costs associated with works and improvements external to Land

- 10. The Owner agrees that:
 - 10.1. Where the timing in the approved Planning Permit (including all plans approved under the Planning Permit) trigger works external to the Land identified under this Agreement, it will undertake the triggered works prior to the issue of any statement of compliance under the Subdivision Act 1988 that would trigger the works or any further statement of compliance under the Subdivision Act 1988 in respect of any part of the Land.
 - 10.2. Clause 10.1 applies whether or not there is a planning nexus between the works triggered under the Planning Permit and any and all relevant subdivisions of the Land for which a Statement of Compliance under the Subdivision Act 1988 is sought.
 - 10.3. Owner 1 and Owner 2 have entered into a separate deed of agreement concerning their respective interests in the Land and which deed provides for the apportionment of payment for the external infrastructure items and works identified under this Agreement.
 - 10.4. It will not bring any proceeding under the Subdivision Act 1988 seeking to force the issue of a Statement of Compliance under that Act unless any triggered external works identified under this Agreement have been implemented to the satisfaction of the Responsible Authority.
 - 10.5. The Responsible Authority has no responsibility for the cost of any works identified under the Agreement or for the apportionment of costs of providing infrastructure under this Agreement as between the current owners or any future owners of the Land.

Further Covenants of the Owner

11. The Owner warrants and covenants with the Responsible Authority that:
- 11.1. It is the registered proprietor (or entitled to be so) of the Land;
 - 11.2. Save as shown in the certificate of title to the Land, there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the Land or any part of it and not disclosed by the usual searches;
 - 11.3. Neither the Land nor any part of it is subject to any right obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in section 42 of the *Transfer of Land Act 1958 (Vic)*;
 - 11.4. It will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of it without first providing to its successors a copy of this Agreement;
 - 11.5. It will within 28 days of written demand pay to the Responsible Authority the Responsible Authority's reasonable costs (including legal costs) and expenses of and incidental to the preparation, execution, any amendment and recording of this Agreement. To the extent that such costs and expenses constitute legal professional costs, the Responsible Authority may at its absolute discretion have these costs assessed by the Law Institute of Victoria and the parties will be bound by the amount of that assessment, with any fee for obtaining such an assessment being borne equally by the Responsible Authority and the Owner. Such costs payable by the Owner will include the costs and disbursements associated with the recording, cancellation or alteration of this Agreement in the Register;
 - 11.6. It will do all that is necessary to enable the Responsible Authority to make application to the Registrar of Titles to record this Agreement in the Register in accordance with the Act, including the signing of any further agreement, acknowledgment or other document; and
 - 11.7. Until such time as this Agreement is recorded in the Register, the Owner must ensure that successors in title will give effect to this Agreement, and do all acts and sign all documents which will require those successors to give effect to this Agreement, including executing a deed agreeing to be bound by the terms of this Agreement.

Obligations of the Responsible Authority

12. The Responsible Authority agrees that:
- 12.1. The Community Infrastructure Contribution collected will be applied at its sole discretion but towards community infrastructure projects that will provide community benefits in the Waurn Ponds/Grovedale areas unless otherwise agreed in writing between the Responsible Authority and the Owner.
 - 12.2. The Traffic Study and Works Contribution must be:
 - 12.2.1. requested from the Owner by the Responsible Authority in writing within 2 years of the issue of the first statement of compliance for the first stage of subdivision of the Land; and
 - 12.2.2. applied by the Responsible Authority within 2 years of receipt to
 - 12.2.2.1. the Ghazeepore Road Traffic Study; and

- 12.2.2.2. any capital works that are recommended in the Ghazeeopore Road Traffic Study.
- 12.3. If the total cost of the Ghazeeopore Road Traffic Study and any capital works that are recommended in the Ghazeeopore Road Traffic Study is:
 - 12.3.1. less than the Traffic Study and Works Contribution, the remaining funds will be refunded to the Owner, and
 - 12.3.2. greater than the Traffic Study and Works Contribution, the remaining cost may be funded by the Responsible Authority at its absolute discretion.
- 12.4. Any funds remaining at the conclusion of the period in 12.2.2 must be refunded to the Owner.

Further assurance

- 13. The parties to this Agreement will do all things necessary (including signing any further agreement, acknowledgement or document) to give full effect to the terms of this Agreement and to enable this Agreement to be recorded in the Register in accordance with the Act.

Amendment

- 14. This Agreement may be amended only in accordance with the requirements of the Act

No waiver

- 15. No waiver by any party of any default in the strict and literal performance of or compliance with any provision, condition or requirement in this Agreement will be deemed to be a waiver of strict and literal performance of and compliance with any other provision, condition or requirement of this Agreement nor to be a waiver of or in any way release any party from compliance with any provision, condition or requirement in the future nor will any delay or omission of any party to exercise any right under this Agreement in any manner impair the exercise of such right accruing to it thereafter.

No Fettering of Powers of Responsible Authority

- 16. The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Responsible Authority to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

Notices

- 17. All notices and other communications under this Agreement will be sent by prepaid mail, by hand delivery, email or by facsimile to the addresses of the parties as specified in this Agreement or to such other address or person as any party may specify by notice in writing to the other party or parties, and may be sent by an agent of the party sending the notice. Each notice or communication will be deemed to have been duly received:
 - 17.1. not later than two business days after being deposited in the mail with postage prepaid;
 - 17.2. when delivered by hand;
 - 17.3. if sent by email upon production of a delivery confirmation report received by the sender which records the time the email was delivered unless the sender received a delivery failure notification; or

- 17.4. If sent by facsimile transmission upon completion of that transmission and production of a transmission report stating that the facsimile was sent to the addressee's facsimile number.

Costs on Default

18. If the Owner defaults in the performance of any obligations under this Agreement it will pay to the Responsible Authority its reasonable costs of action taken to achieve compliance with this Agreement.

Invalidity of any Clause

19. Notwithstanding anything to the contrary in this Agreement, if any provision of this Agreement will be invalid and not enforceable in accordance with its terms, all other provisions which are self-sustaining and capable of separate enforcement without regard to the invalid provisions and will be and continue to be valid and enforceable in accordance with those terms.

Agreement Binding on Successors of Owners

20. This Agreement will extend to and bind the Owner's successors, assigns, administrators, transferees and legal personal representatives and the obligations imposed upon them will also be binding on their successors, transferees, purchasers, mortgagees and assigns as if each of them had separately executed this Agreement.

Joint Obligations

21. In the case of each party that consists of more than one person (including in that expression any corporation) each of those persons covenants, agrees and declares that all of the covenants, agreements, declarations and consents contained in this Agreement and made and given by that party have been entered into, made and given and are binding upon that person both severally and also jointly with the other person or persons constituting that party.

GST

22. In respect of GST:
- 22.1. In this clause 20, 'GST Act' means the A New Tax System (Goods and Services Tax) Act 1999 (Cth).
- 22.2. Expressions used in this clause and in the GST Act have the same meanings as when used in the GST Act.
- 22.3. Amounts payable and consideration provided under or in respect of this Agreement are GST exclusive.
- 22.4. The recipient of a taxable supply made under or in respect of this Agreement must pay to the supplier, at the time the consideration for the supply is due, the GST payable in respect of the supply. This obligation extends to supply consisting of a party's entry into this document.
- 22.5. A party is not obliged, under clause 20.3, to pay the GST on a taxable supply to it until given a valid tax invoice for the supply.

Entire Agreement

23. This Agreement constitutes the entire agreement between the parties in connection with its subject matter and supersedes all previous Agreements or understandings between the parties in connection with its subject matter.

Commencement and Ending of Agreement

24. This Agreement will commence on date that Amendment is approved by the Minister for Planning.

25. This agreement will end.
- 25.1. In respect of any Residential Lot, upon registration of the plan of subdivision creating that lot;
- 25.2. by agreement between the parties or otherwise in accordance with the provisions of the Act.

EXECUTED AS A DEED

SIGNED SEALED AND DELIVERED on behalf of the **GREATER GEELONG CITY COUNCIL** by Gareth Smith, Director Planning and Development to an instrument of delegation authorised by Council resolution, in the presence of:

Witness

EXECUTED by **ECHIN PTY LTD.** in accordance with Section 127 of the Corporations Act 2001:

Director

Director/Secretary

SIGNED by the said [REDACTED] in the presence of:

Witness signature

Witness name (print)

Witness address

SIGNED by the said [REDACTED] in the presence of:

Witness signature

Witness name (print)

Witness address

**PLANNING
PERMIT
GRANTED UNDER SECTION 96I OF
THE PLANNING AND ENVIRONMENT
ACT 1987**

Permit No.: 662/2017

Planning scheme: Greater Geelong

Responsible authority: City of Greater Geelong

ADDRESS OF THE LAND: 35 Hams Road, WAURN PONDS

THE PERMIT ALLOWS: Multi Lot Subdivision and Removal of Native Vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of the development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the Overall Subdivision Masterplan dated 24 July 2019 (MP19) but modified as follows:
 - a) The staging plan must be amended to include construction of Retarding Basin 1 in stage 1 of development
 - b) An extractive industry buffer extending 250 metres from the boundary of the land zoned Special Use Zone 7 to the south of the railway line
 - c) All corner lots at intersections must have a minimum width of 14.0 m
 - d) Road reserve boundaries and splays which are sufficient to accommodate a roundabout at the internal four-legged intersection (within Stage 2)
 - e) The active pedestrian path through the creek reserve to be a minimum of 3.5 metres wide and connected to the existing shared path that runs alongside the Geelong Ring Road
 - f) A Functional Layout Plan must be provided to show the retention of the private school bus parking location in Hams Rd (to the west of the substation) and all associated car parking provision
 - g) A Functional Layout Plan of the proposed roundabout at the Ghazeeopore Road/Hams Road/Sugargum Drive intersection must be provided, including swept path diagrams prepared by a suitably qualified Traffic Engineering consultant using recognised software to show all movements for a 12 m long ultra-low floor bus (primary design vehicle) and a semi-trailer (secondary design vehicle)
 - h) remove references to turn bans at the Grange Park Drive/Hams Road intersection
 - i) a minimum 3 metre wide shared user path (off road), on the southern side of Hams Road from the Geelong Ring Road underpass, along the length of Hams Road, across Ghazeeopore Road connecting to Sugargum Drive

Endorsed Plans

2. The layout and site dimensions of the subdivision as shown on the endorsed plan(s) must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan(s).

3. The staging of the subdivision must be generally in accordance with the staging plan endorsed as part of this planning permit except with the prior written consent of the Responsible Authority.

Prior to Certification

4. Any Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.
5. Prior to certification of any plan of subdivision, engineering plans for the construction of new council infrastructure must be submitted to the satisfaction of the Responsible Authority for approval.

Noise

6. Prior to certification of any plan of subdivision, a revised acoustic report(s) prepared by a suitably qualified acoustic consultant must be submitted to the satisfaction of the Responsible Authority for approval. Once approved, the revised acoustic report(s) will be endorsed and will form part of the permit.

The revised acoustic report(s) must:

- a) reassess predicted noise levels from Baanip Boulevard at future dwellings on the subject land in accordance with the VicRoads Traffic Noise Reduction Policy
- b) include recommendations for any noise mitigation measures required to:
 - achieve the requirements of Australian Standard AS2107:2016 and the VicRoads Traffic Noise Reduction Policy in relation to traffic from Baanip Boulevard
 - ensure that noise emissions from the Powercor utility:
 - comply with the recommended maximum noise levels in EPA publication *Noise from Industry in Rural Victoria* (NIRV) at all future dwellings on the land
 - are not increased at any existing dwellings located to the north and east of the Powercor utility
 - manage noise emissions from the pump station
- c) demonstrate, including through modelling, that the requirements of condition 5A(a) can be met, to the satisfaction of the Responsible Authority (and, in the case of emissions from the Powercor utility, Powercor).

7. Prior to the certification of any plan of subdivision (or any relevant stage of a subdivision), any restrictions on the plan of subdivision including relevant “Design Guidelines”, “Restrictions” and/or “Memorandum of Common Provisions” must be submitted to the Responsible Authority for approval and applied to affected lots to the satisfaction of the Responsible Authority. Once approved, the restrictions and associated documentation will be endorsed and form part of the permit.

The Restrictions / Design Guidelines / Memorandum of Common Provisions must include:

- a) A restriction applying to any lot directly opposite the Warrnambool Railway Line / Baanip Boulevard (as shown on the Overall Subdivision Masterplan MP19), that does not allow the construction of any dwelling on the burdened lot unless it incorporates noise attenuation treatments to ensure the following noise criteria are met, to the satisfaction of the Responsible Authority:
 - for rail noise, internal noise limits of:
 - 55 dB L_{Amax} for bedrooms
 - 60 dB L_{Amax} for living areas
 - for traffic noise from Baanip Boulevard:
 - the requirements of Australian Standard AS2107:2016 and the VicRoads Traffic Noise Reduction Policy.
 - b) Unless otherwise agreed to by Powercor and the Responsible Authority, a restriction applying to all lots within No. 35 Hams Road that does not allow construction of a dwelling on the burdened lot unless it complies with any relevant recommendations contained in the acoustic report(s) referred to in condition 5A(b) relating to noise mitigation measures on dwellings required to manage noise emissions from the Powercor utility.
8. Any recommendations of the revised acoustic report(s) referred to in condition 5A that are not implemented through the Restrictions / Design Guidelines / Memorandum of Common Provisions required under condition 6 must be implemented to the satisfaction of the Responsible Authority and (in the case of report(s) relating to emissions from the Powercor utility, Powercor).

Easements – Drainage

9. Prior to certification of the Plan of Subdivision for each stage, easements for the purpose of ‘Drainage’ must be set aside in favour of the City of Greater Geelong, to the satisfaction of the Responsible Authority.

Fill

10. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.
11. No material shall be brought onto the site for use as filling within the subject area under this Permit, unless with the written approval of the Responsible Authority. Prior to any approval being issued by the Responsible Authority for imported filling to be used on the site, the applicant must submit for approval to the Responsible Authority, samples of proposed filling, details of the source of the filling, details of proposed traffic routes to be traversed, soil testing results and reports in regard to the presence of contaminants in the filling, and the suitability of filling to be placed on site.
12. All areas to be filled shall be stripped of vegetation and any top soil shall be removed and stockpiled for reuse over the filled areas. Only approved filling material shall be placed on the site. The filling shall be placed in maximum 150 mm layers, or as approved otherwise by the Responsible Authority, and compacted to the applicable level for filling on allotments and

within future roadways in accordance with AS3798, to the satisfaction of the Responsible Authority.

143. At the completion of the bulk earthworks, and at completion of the works for each stage, all disturbed areas shall be hydro mulched with an approved seed and fertilizer mixture to the satisfaction of the Responsible Authority to suppress dust, and minimise erosion, unless approved otherwise by the Responsible Authority.
14. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

Engineering Plans - drainage

15. Prior to the commencement of site works for any stage of the subdivision, the applicant is required to submit detailed drainage construction plans prepared by a suitably qualified engineer to the Responsible Authority for approval. The plans shall include details of pits and pipes sizes, finished and existing surface levels, creation of appropriate easements, detention basin(s) including any required drainage reserves, water quality treatment and connection to the legal point of discharge.

The plans must show that the design for the drainage system achieves the following, to the satisfaction of the Responsible Authority:

- includes recommendations of the report titled *35 & 69-93 Hams Road PSA Flood Modelling* dated 30 October 2018 (Water Technology)
- includes recommendations of the report titled *35 Hams Road and 151-229 Anglesea Road, Waurn Ponds Surface Water Management Strategy* (Version 3) dated 19 September 2013 (Neil M Craigie) relating to geotechnical investigations to confirm requirements for the wetland and the use of non-dispersive topsoil
- complies with the requirements of the Infrastructure Design Manual and any other relevant standards
- limits site run-off to equivalent pre-developed levels for rainfall events up to and including the critical 1% AEP event
- ensure that no water will discharge to the Powercor utility site during a 1% AEP event.

The plans must include, but not limited to, the following to the satisfaction of the Responsible Authority:

- a) The stormwater drainage system on the site must be designed such that stormwater run-off exiting the land meets the current best practice performance objectives for stormwater quality as follows:
 - i. 80% retention of the typical annual load of suspended solids;
 - ii. 45% retention of the typical annual load of total phosphorous;
 - iii. 45% retention of the typical annual load of total nitrogen; and
 - iv. 70% retention of the typical annual load of gross pollutants.
- b) Upgrade of the existing outlet and culvert from the retarding basin on the north side of Hams Rd;
- c) Upgrade of the existing Ghazeepore Road culvert;
- d) Upgrade or replacement of the existing culvert beneath the Geelong Warrnambool railway corridor;
- e) All external drainage works within the VicRoads reserve (Geelong Ring Road Section 4B) to connect and channel the existing drainage network extending from the Ring Road/shared path, to the open waterway reserve in the land;

- f) Any temporary drainage works that may be required to ensure that the conditions of this permit are met if the land in PP-663-2017 develops before the land in this permit, or the land in this permit develops before the land in PP-663-2017;
- g) Minimum finished surface levels on all lots must be 300mm above the relevant 1% AEP flood level.
- h) Details of waterway remediation.
- i) Details of remediation to existing dams / permanent water bodies. A risk assessment must be provided in accordance with Royal Lifesaving Society guidelines.

The Responsible Authority may require further modelling to demonstrate that the drainage system can achieve the requirements of this permit, to the Responsible Authority's satisfaction, before it endorses the drainage engineering plans.

Note: Detailed Road and Drainage Design Plans for any stage that result in flood levels on existing properties being adversely affected by the proposed works will not be approved for construction.

Engineering Plans – roads

16. Prior to the commencement of works for each stage of the subdivision, construction plans must be submitted to and approved by the Responsible Authority for the full construction of roads including road reserves, design of all intersection treatments, traffic management devices, linemarking, signage, kerb and channel, vehicle crossing laybacks, road pavement and sealing and footpaths.

The plans must include the following, to the satisfaction of the Responsible Authority:

- a) Construction of abutting roads including concrete kerb and channel, footpath and sealed road pavement;
- b) Footpaths on both sides of roads unless otherwise approved;
- c) All footpath treatments showing DDA compliance at all designated crossing points;
- d) Suitable road reserve cross sections to convey major drainage flows;
- e) Turning areas suitable for the safe and efficient turning of service and emergency vehicles.

Construction Management Plan

17. A Construction Management Plan shall be submitted to and approved by the Responsible Authority and shall address items including (but not be limited to) the following:
- a) The protection of all existing vegetation to be retained and waterways;
 - b) Show access locations for construction vehicles;
 - c) All appropriate control of site emissions during construction and the defects liability period;
 - d) A staging plan for all construction phases including indicative dates for commencement and completion;
 - e) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
 - f) Details of actions to be implemented in the event of damage to abutting assets;
 - g) Details of where construction personnel will park;
 - h) Hours/days of construction, including deliveries. (Note: These hours must be consistent with the Environment Protection Authority (EPA) legislation/guidelines);
 - i) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
 - j) Details of site cleanliness and clean up regimes;
 - k) Location of material storage;
 - l) Dust suppression management;

- m) Details of measures to be maintained during the housing construction phase of development to prevent sediment entering downstream drainage infrastructure;
- n) Measures to implement the recommendations of the Cultural Heritage Management Plan prepared by Benchmark Heritage Management dated 31 October 2018 and approved by the Wathaurung Aboriginal Corporation on 29 November 2019;
- o) Any other measures that are consistent with the following Environmental Protection Authority publications:
 - 'Environmental Management Guidelines for Major Construction Sites'
 - 'Construction Techniques for Sediment and Pollution Control'

'Doing it Right on Subdivisions'. Local Area Traffic Management and Road Name Plan

18. Unless otherwise approved in writing by the Responsible Authority, prior to the lodgement of the Stage 1 Functional Layout Plans, a Local Area Traffic Management (LATM) Plan for PP-662-2017 and PP-663-2017 must be developed with Council's Traffic Development Engineer, and submitted to and approved by the Responsible Authority.

The LATM treatments may include, but not limited to:

- a) traffic management devices internal and external to the site
- b) modified intersection priorities
- c) indented car parking
- d) signage
- e) linemarking
- f) vehicle crossing locations.

All treatments shown on the LATM Plan on subsequent construction plans for each stage must be consistent with the approved LATM Plan, to the satisfaction of the Responsible Authority.

The LATM Plan must be implemented to the satisfaction of the Responsible Authority.

- 18A. When the LATM plan has been finalised, a Road Naming Plan must be developed with Council's Traffic Development Engineer, and submitted to and approved by the Responsible Authority. The Road Naming Plan must respect the LATM plan and the Naming Rules For Places in Victoria document. Pre-approved road names and descriptors shall be applied to a color-coded length of road on the Road Naming Plan. All road naming on subsequent plans of subdivision for each stage must be consistent with the approved Road Naming Plan.

Road Names and Signs

19. Prior to the development of the Road Naming Plan and lodgement of the Functional Layout Plan for Stage 1, the applicant must provide a list of all proposed road names within the subdivision for approval by Council's Properties and Valuations unit. The applicant must provide and place all relevant street signs, consistent with the road names shown on all approved plans, to the satisfaction of the Responsible Authority.

Construction of Roadworks/ Drainage

20. The roundabout at the Ghazeepore Road/Hams Road/Sugargum Drive intersection must be constructed as part of the Stage 1 roadworks for Hams Road.
21. Unless otherwise agreed to in writing with the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stages that contain or abut Hams Road, the shared user path (off road) on the south side of Hams Road must be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria.
22. Prior to the issuing of a Statement of Compliance for any stage of the subdivision, all road and drainage works, including basin(s), required for that stage of the subdivision must be

constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority.

23. All development and works must be carried out in accordance with the Construction Management Plan endorsed under this permit, all to the satisfaction of the Responsible Authority.
24. The design and construction of civil infrastructure to become council assets must be approved and supervised by council. A fee of 3.25% of the cost of the works is to be paid to council for the checking and supervision of these works.
25. A maintenance bond of 5% of the cost of the works is to be paid to council and will be returned after successful completion of a 12 month maintenance period for civil works.
26. Following Practical Completion, wetlands shall be maintained by the applicant for a period of 24 months, to the satisfaction of the Responsible Authority.
27. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, relevant street sign/s must be erected to the satisfaction of the Responsible Authority.
28. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, street lighting must be provided within the site and along external frontages in accordance with the relevant Australian Standard(s), unless otherwise agreed in writing by the Responsible Authority and unless it can be demonstrated that existing street lighting is sufficient for public safety to the satisfaction of the Responsible Authority.
29. During the construction phase of the development, the following conditions must be met:
 - a) only clean rainwater shall be discharged to the stormwater drainage system;
 - b) stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - c) vehicle borne material from the premises shall not accumulate on the roads abutting the site;
 - d) all machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
 - e) fencing is to be fitted and installed so as to ensure safe access for pedestrians; and
 - f) all litter must be contained on site;

All to the satisfaction of the Responsible Authority.

30. The applicant is responsible for all external drainage works, including but not limited to:
 - a) drainage works within the VicRoads reserve (Geelong Ring Road Section 4B) to connect and channel the existing drainage network extending from the Ring Road/shared path, to the open waterway reserve in the land
 - b) upgrading the Hams Road culvert
 - c) cleaning and upgrading, where necessary, the Ghazeepore Road culvert
 - d) cleaning, upgrading or replacing, where necessary, the Geelong Warrnambool railway culvert.

Works are to be undertaken to the satisfaction of the Responsible Authority and VicRoads and (in the case of the Geelong Warrnambool railway culvert) VicTrack.

31. Prior to the commencement of upgrade works to Hams Road a scaled functional layout plan for the works must be prepared to the satisfaction of the Responsible Authority. Any plan must include but not be limited to:

- a) Asphaltting
 - b) Line marking
 - c) Kerb and channel
 - d) Connection to the Ghazeepore Road/Hams Road/Sugargum Drive roundabout
 - e) Drainage works
 - f) Footpaths
 - g) Pedestrian crossings
 - h) Signage.
32. Unless otherwise approved in writing prior to Statement of Compliance of Stage 2 of the subdivision hereby approved the upgrade to Hams Road must be completed along the length of the subdivision boundary in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
33. Prior to the commencement of upgrade works to Ghazeepore Road a scaled functional layout plan for the works must be prepared to the satisfaction of the Responsible Authority. Any plan must include but not be limited to:
- a) Asphaltting
 - b) Line marking
 - c) Kerb and channel
 - d) Connection to the Ghazeepore Road/Hams Road/Sugargum Drive roundabout
 - e) Drainage works
 - f) Footpaths
 - g) Pedestrian crossings
 - h) Signage.
34. Unless otherwise approved in writing prior to Statement of Compliance of Stage 2 of the subdivision hereby approved the upgrade to Ghazeepore must be completed along the length of the subdivision boundary in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

No Removal of Native Vegetation

35. No native vegetation shall be removed other than that marked on the plan endorsed under condition 37, to the satisfaction of the Responsible Authority.

Vegetation Protection

36. Before works commence, a plan to the satisfaction of the Responsible Authority identifying:
- a) the Ecological Vegetation Classes present on the land
 - b) all native vegetation to be removed and retained
 - c) describing the measures to be used to protect the identified vegetation to be retained during construction,
- must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
37. The following requirements must be met:
- a) Removal, including pruning, of native vegetation must be undertaken using a suitably qualified arborist and be carried out in accordance with AS4373 – 2007; ‘Pruning of Amenity Trees to the satisfaction of the Responsible Authority’. The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.

- b) Prior to any vegetation removal, vegetation to be removed must be clearly marked on site and accord with the endorsed plan. An inspection is required to be undertaken by the City's Environment Unit.
- c) Prior to any native vegetation removal, all patches of native vegetation of native to be retained on site shall be protected by Native Vegetation Protection Fencing in accordance with *AS4970-2009 Protection of Trees on Development Sites*. An inspection is required to be undertaken by the Responsible Authority.
- d) No grazing must occur on native vegetation (including the wetlands and ponds) to be protected (unless permitted by a Management Plan approved by the Responsible Authority) to the satisfaction of the Responsible Authority.
- e) Water run-off must be designed to ensure that native vegetation to be protected is not compromised, to the satisfaction of the Responsible Authority.
- f) The Native Vegetation Protection Fencing must have signs attached around the fencing which clearly states - VEGETATION PROTECTION ZONE - No Access Permitted. An inspection is required once the Tree Protection Fencing has been erected. Please contact the City's Environment Unit to arrange an inspection.
- g) Except with the written consent of the Responsible Authority, none of the following are permitted to occur within the Tree Protection Zone:
 - 1. vehicular or public pedestrian access.
 - 2. trenching or soil excavation.
 - 3. storage or dumping of tools, equipment, soil, stone or waste is to occur.
 - 4. construction of entry and exit pits for underground services.
 - 5. temporary or permanent installation of signs and utilities.

Vegetation Management Plan

- 38. Prior to the commencement of any works for any relevant stage of the subdivision that may impact the Creekline Grassy Woodland and Sedge Wetland vegetation, a Vegetation Management Plan must be submitted to and approved by the Responsible Authority. When approved this Vegetation Management Plan will form part of this permit. Any plan must include:
 - a) Measures to protect and enhance the existing vegetation to be retained and water quality within the existing wetlands and ponds that are being retained, that are consistent with the requirements in condition 37A.

The approved vegetation management plan must be implemented to the satisfaction of the Responsible Authority.

Weed Management Plan

- 39. Prior to the commencement of works, a Weed Management Plan must be submitted to and approved by the Responsible Authority. When approved this Weed Management Plan will form part of this permit. Any plan must detail:
 - a) Species and extent of weed infestation.
 - b) Current and/or proposed treatment methods.

- c) Timeframes.
- d) any other relevant information

The approved weed management plan must be fully implemented prior to the commencement of any on-ground earthworks to the satisfaction of the Council's Environment Unit.

Native Vegetation Offsets

40. In order to offset the removal of 6.194 of native vegetation as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017)

The general offset must:

- a) contribute gain of 0.876 general biodiversity equivalence units
 - b) be located onsite where possible, or within the Corangamite Catchment Management Authority boundary or City of Greater Geelong municipal district
 - c) have a strategic biodiversity score of at least 0.336
41. Before any native vegetation is removed, where offsets are to be provided off-site, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit. The offset evidence can be either:
- a) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
 - b) a credit register extract from the Native Vegetation Credit Register.

Any credit register extract from the Native Vegetation Credit Register must be submitted to the Environment Unit as a formal record of the offset evidence.

At the conclusion of the subdivisional construction works, the overall native vegetation offset requirements must be reconciled with agreement by the Responsible Authority and DELWP and either credits are made available or further offsets are to be purchased.

Fauna Management Plan

42. Prior to the commencement of any works, a Fauna Management Plan must be submitted to and approved by the Responsible Authority. Any plan must include:
- a) A pre-clearance survey to assess the presence of Growling Grass Frog, Ballion's Crake and Barking Owl (the survey must be undertaken during the optimal breeding season for the Growling Grass Frog)
 - b) Procedures for the salvage and relocation of any frog species present on the land under the supervision of a qualified zoologist prior to the commencement of works
 - b) Details outlining the measures to protect the habitat and water quality for the frog population present within the wetland and ponds to be retained.

The approved Fauna Management Plan must be implemented to the satisfaction of the Responsible Authority.

Fauna Protection

43. Prior to the removal or lopping of any tree, the tree must be examined by a suitably qualified zoologist with relevant permits. If native fauna species are located, they must be salvaged and relocated to the closest suitable vegetation.
44. Any dams or water bodies filled as part of the approved development must be drained at least 48 hours prior to works commencing to enable the relocation or translocation of fauna.
45. Prior to the commencement of any works (excluding works associated with removal of potentially contaminated material, such as fuel tanks and fill, which may be undertaken prior to or concurrent with the assessment), an Environmental Assessment must be submitted which must include an assessment of the land by a suitably qualified environmental professional detailing the level and location of any contamination. This assessment is to be peer reviewed by a suitably qualified environmental professional approved by the Responsible Authority. If the Responsible Authority is satisfied that significant levels of contamination have been found the following must be provided to the Responsible Authority, either:
 - a) A Certificate of Environmental Audit must be issued for the land in accordance with Part 1XD of the Environment Protection Act 1970, or
 - b) A Statement of Environmental Audit must be issued in accordance with Part 1XD of the Environment Protection Act 1970 stating that the environmental condition of the land is suitable for the sensitive use (with or without conditions on the use of the site).

Waterway Rehabilitation Plan

46. Prior to the commencement of works, a Waterway Rehabilitation Plan for the entire creek corridor must be submitted to and approved by the Responsible Authority. Any Plan must detail the specific rehabilitation and revegetation of the creek corridor to an average width of 30 metres either side of the centreline of the creek. When approved the plan will be endorsed and then form part of this permit.

The Plan must include:

- a) Details regarding the proposed works within the creek and its embankments. An extensive vegetated riparian corridor is to be established as part of the design. Cross-sections outlining the proposed treatment must be provided.
- b) Details regarding the protection and enhancement of the Creekline Grassy Woodland and Sedge Wetland to be retained must be provided.
- c) Details of all revegetation works including the use of plants listed within the City's Indigenous plants of the Geelong Region Zone 7 and native species found as part of the flora survey, including densities and any specific treatments.
- d) The provision of habitat improvements (ie rocks, logs etc) for frogs and other fauna.
- e) The location of any stabilisation works (if required) such as rockwork and/or jute matting.
- f) The use of non-dispersive topsoil.
- g) Details of all weed control works.
- h) Details of the proposed maintenance program for a minimum of two years after Practical Completion is awarded by the Responsible Authority.

47. Prior to the transfer to Council of the creek corridor, all works identified within the approved Waterway Rehabilitation Plan must be fully completed by the applicant and maintained for a period of two years after Practical Completion, unless otherwise agreed in writing by the Responsible Authority. A detailed inspection shall be undertaken by the Responsible Authority of all the required on-ground works before any transfer is undertaken.
48. If the creek rehabilitation works are undertaken in two stages and 35 Hams Road is completed first a separate agreement will need to be prepared between the applicant and the Responsible Authority in respect to specifying a formal handover process of the partially completed asset.

Landscape Master Plan

49. Unless otherwise approved in writing by the Responsible Authority, prior to issue of Statement of Compliance for the first stage of the subdivision, a landscape master plan (incorporating a street tree master plan) for the permit area must be developed and submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and form part of the permit. It must be drawn to scale with dimensions and submitted electronically.

The landscape master plan must show and include, but not be limited to:

- a) The location, size and title designation of all land to be developed as reserves, including Public Open Space Reserves, Conservation Reserves, Road Reserves and Drainage Reserves;
- b) The ultimate 1% and 10% Annual Exceedance Probability storm event extents;
- c) A general indication of what recreation infrastructure is proposed and its location, including but not limited to: playgrounds, furniture, and exercise equipment, kick about areas, paths, shelters, vehicle exclusion barriers and maintenance access points;
- d) The style and location of permeable fencing for all lots abutting reserves (excluding road reserves);
- e) The proposed species to be used for and general layout of street tree planting in various stages of the subdivision including the proposed planting theme for all secondary frontages of corner allotments. Tree placement on secondary lot frontages must use no more than two trees that grow to an estimated size of no greater than 5 x 4 metres at maturity;
- f) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres, in compliance with AS2303-2015 Tree Stock for Landscape Use;
- g) The principles and graphical concepts of Public Art which complies with the requirements of Council's Art and Culture Department;
- h) The location and size of any water sensitive urban design assets.
- i) The species list must not include species listed in *Environmental Weeds City of Greater Geelong*, September 2008.
- j) The species list must include species listed in Indigenous Plants of the Geelong Region - Zone (7) Grovedale and Waurn Ponds Limestone Plains and Hills.

Notes:

1. Consultation with Council's Recreation and Open Space Unit during early concept design is encouraged to help facilitate efficient approval processes.
2. Any pathway within the open space reserves should be located having regard to the protection of existing vegetation worthy of retention.

Detailed Landscape Plans

50. Unless otherwise agreed in writing by the Responsible Authority, prior to the Statement of Compliance being issued for each applicable stage of the subdivision, a detailed landscape plan for the stage must be prepared and submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and form part of the permit. The landscape plan must be drawn to scale with dimensions and submitted electronically.

The plan must address and be consistent with the endorsed landscape master plan applying to the site and show, but not be limited to:

- a) The ultimate 1% and 10% Annual Exceedance Probability storm event extents;
- b) Vegetation that is approved to be retained, removed and/or lopped in accordance with the Vegetation Protection Plan, as well as any other practical retention tree(s) within a reserve (excluding conservation reserves) for any stage of the development. The tree(s) must be assessed by a suitably qualified arborist to determine suitability for retention and ongoing management recommendations. The detailed landscape plan for the area in which the tree(s) are located must be informed by this arboriculture assessment and show details of tree protection zones. This assessment must be submitted to council as part of the approval process;
- c) A detailed planting schedule and proposed planting layout of all areas of and adjoining open space, including proposed trees, shrubs, groundcovers and aquatic planting (if applicable, with zonation detail), and showing botanical names, common names, pot sizes, sizes at maturity, quantities and densities of each plant;
- d) The proposed layout, materials and finish of all finished surfaces, structures, fences abutting council reserves, maintenance vehicle access crossovers, maintenance access gates, play equipment, furniture and bike parking;
- e) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
- f) Detailed planting and construction drawings of any drainage and WSUD infrastructure within public reserves;
- g) Permeable fence design details for lots abutting open space reserves and Council reserves (except road reserves). Fencing detail must be to Council specifications;
- h) Additional supporting information, such as certified structural designs or building forms;
- i) The removal of existing disused structures, foundations, pipelines, farm dams or stockpiles and the eradication of weeds;
- j) The proposed landscaping treatment of any road reserve abutting public open space;
- k) A detailed schedule of quantities showing accurate cost estimates of each item included in the plan.

Notes:

1. Hard copy/copies of the landscape plan must be provided at the reasonable request of the responsible authority.
2. Consultation with Council's Recreation and Open Space Unit during early concept design is encouraged to help facilitate efficient approval processes.

No Utility Services on Public Open Space

51. Utility service substations, kiosk sites and the like must not be located on any land identified as unencumbered open space unless otherwise agreed in writing by the responsible authority. Any existing or future easements affecting all land which is to be vested in council must be clearly identified on the detailed landscape plans as per the condition above.

Council Reserves — Vehicle Access Barriers

52. Unless otherwise approved in writing by the Responsible Authority, prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision which includes a Council reserve, suitable vehicle access barriers must be provided across the entrance of the Council Reserve, one of these shall be de-mountable to allow access to Council maintenance vehicles to the satisfaction of the Responsible Authority. The location of these barriers shall be determined by the Responsible Authority.

Fencing of Council Reserves

53. Unless otherwise approved in writing by the Responsible Authority, prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision which includes a Council reserve, the applicant must erect an appropriate fence on the boundaries of the Council Reserve to the satisfaction of the Responsible Authority and at no cost to Council.

Completion of Landscape Works

54. Unless otherwise approved in writing by the Responsible Authority, the landscaping works shown on the approved landscape plan for a particular stage must be completed to the satisfaction of the Responsible Authority, prior to the issue of a Statement of Compliance for that stage.
55. If the Responsible Authority agrees to issue Statement of Compliance prior to the landscaping works being completed, the entire landscaping works must be bonded to the satisfaction of the Responsible Authority. The landscape works bond or bank guarantee must be 125 per cent of the estimated cost of entire landscape works as shown in the approved schedule of quantities submitted as part of the landscape plans. Unless otherwise agreed in writing by the Responsible Authority the bonded works must be completed within one year of the date of the lodgement of the bond.
56. A practical completion inspection is required and must be arranged by the permit holder with two weeks' notice provided for the responsible authority. The practical delivery of the endorsed plans must be at a standard to the satisfaction of the responsible authority to pass this inspection. If applicable, the landscape works bond will be returned on award of practical completion.
57. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of practical completion of landscaping works, or any other time as agreed by the Responsible Authority, the following must be provided to the Responsible Authority:
 - a) The vesting of the reserve to Council, at no cost to Council;
 - b) Building permits and structural engineering compliance, as-built construction plans, and materials detail where necessary;
 - c) Landscaping maintenance plan
 - d) Schedule of Quantities showing the financial value of all hard assets
 - e) As-built landscaping plans in PDF and GIS-ready AutoCAD (DXF) format.
 - f) An independent playground auditors report with evidence of rectification of any identified defects. The report must relate to all playground equipment, fitness equipment, natural play area, soft fall areas and edging to ensure that all aspects of playground construction meet Playground Standards AS/NZ4422 1996 and AS4685 parts 1-6 2004 and is in good working order and safe for use.
58. Unless otherwise agreed in writing by the Responsible Authority, a maintenance bond must

be submitted to the Responsible Authority on application for practical completion of landscaping works. The maintenance bond or bank guarantee must be 125 per cent of the estimated cost of maintenance of landscape works for a two (2) year period.

Maintenance of Landscaping

59. The landscaping shown on any endorsed landscape plan for a particular stage must be maintained to the satisfaction of the Responsible Authority for a period of no less than two (2) years from the date of practical completion of the landscaping unless otherwise agreed in writing by the Responsible Authority. During this period, any dead, diseased or damaged plants are to be replaced and any landscaped area and hard assets are to be repaired as required to ensure the landscaping is maintained to the same standard as when practical completion was awarded.
60. Should the permit holder default on landscape maintenance requirements which leads to a partial or full replanting, the responsible authority will consider the extension of the maintenance period as necessary to provide for establishment of replacements.
61. A handover inspection is required and must be arranged by the permit holder with two weeks' notice provided for the responsible authority. The maintenance of the completed works must be at a standard to the satisfaction of the responsible authority to pass this inspection. The maintenance bond will be returned on award of Handover.
62. The applicant and contractors who will construct and maintain the subject reserves and associated landscaping must obtain and maintain appropriate public liability insurance (with the responsible authority's interest noted on the certificate of insurance) over the entire reserve area for the duration of the maintenance period.

Notes:

1. The responsible authority will not be responsible for the reserve and its assets or public liability until a handover inspection has taken place and written acceptance of handover has been issued.
2. At the conclusion of the maintenance period all maintenance responsibilities will be transferred to the responsible authority.
3. No handovers will be accepted during the summer months from 01 December to 28 February inclusive.

Public Open Space Contributions

63. The owner of the subject land must provide Public Open Space in part by land and the balance by cash-in-lieu equivalent to ten (10) per cent of the site value of all developable land in the subdivision pursuant to Section 18 of the Subdivision Act 1988. The contribution will be payable prior to the issue of a Statement of Compliance for each stage.

Street Tree Master Plan

64. For any multi staged development a street tree master plan must be submitted to and approved by the Responsible Authority.
65. The master plan must be developed to include the following:
 - a) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres that comply with AS2303 Tree Stock for Landscape Use
 - b) Tree placement on secondary lot frontages using no more than two (2) trees that grow to an estimated size at maturity of no greater than 5 x 4m

Notes:

1. Street tree species selection within the master plan is subject to approval by Powercor in accordance with the requirements of the Distribution Construction Standard, Underground Trenching. Tree location and species type shall be determined, in consultation with CitiPower/Powercor, based on the specific site and the ability of the tree to both enhance the local amenity and co-exist with utility services infrastructure – with all trees to be identified on a ‘master services plan’ provided by the party planting the trees.
2. The applicant must obtain and provide evidence to the Responsible Authority that Powercor has been consulted and has agreed with the proposed street tree species palette.

Streetscape Works, Detailed Plans

66. Prior to the Statement of Compliance being issued for each relevant stage of the subdivision, a detailed streetscape plan, prepared by a person suitably qualified in landscape design, must be submitted to and approved by the Responsible Authority.
67. When approved, the plan will be endorsed and will then form part of the permit. The streetscape plan must be drawn to scale with dimensions and three hard copies provided.
68. Where applicable, the plan must be generally in accordance to the street tree master plan and show:
 - a) The name and stage of the estate and the Planning Permit Number
 - b) The layout of proposed new planting in all road reserves and traffic management devices (e.g. medians, islands, and roundabouts)
 - c) Details of all other infrastructure within the road reserve (e.g. underground services, street lights, stormwater pits, fire plugs etc)
 - d) A detailed planting schedule of all proposed trees and plants including botanical names, common names, pot sizes, sizes at maturity and quantities for each species
 - e) All proposed groundcover & shrub planting with a minimum container size of 150mm
 - f) The maintenance schedule for all proposed planting
 - g) Plan view indicating mature tree sizes, shown to scale to illustrate the extent of canopy coverage
 - h) All road cross sections applicable to the site
 - i) TPZ on all plans (where applicable)

Notes:

1. Proposed entry signage must not be located on public land.
2. Landscape treatments within traffic control devices such as medians and roundabouts are subject to specific control measures.
3. Where applicable in multi-staged developments the Street Tree Master Plan may form part of the Landscape Master Plan

Completion of Streetscape Works

69. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of Statement of Compliance for a particular stage of development all streetscape works shown on the endorsed streetscape plans for that stage must be completed to the satisfaction of the Responsible Authority.

70. Where streetscape works forming part of the endorsed plans are not completed to the satisfaction of the Responsible Authority prior to the applicant seeking a Statement of Compliance for all, or a particular stage of a subdivision, the applicant may request the approved Streetscape Plan to be appropriately bonded or covered by a bank guarantee. Estimates must be professionally costed and submitted to the Responsible Authority for approval, once approved the bonds or bank guarantees must be submitted to the Responsible Authority separately prior to Statement of Compliance being awarded.
- a) The incomplete streetscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete streetscape works.
 - b) The maintenance bond or bank guarantee must be 125% of the estimated cost of maintenance activities for a two (2) year period.

Notes

1. A certificate of practical completion is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete works bond will be returned once practical completion has been awarded.
2. Works bonded as outstanding must be enacted within one (1) year of statement of compliance being awarded.

Maintenance of Streetscape Works

71. All works must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the date of practical completion. During this period, any dead, diseased or damaged plants are to be repaired or replaced as required.
72. Where the landscape works are bonded, the maintenance period will commence from the date that the works are awarded Practical Completion by the Responsible Authority.
73. A maintenance bond to the value of 125% of the cost of works must be submitted to the responsible authority on application for practical completion of landscaping works to be retained until such time that the works have been accepted by Council for handover.
74. Works that have achieved practical completion will be randomly inspected throughout the maintenance period. Works deemed by the Responsible Authority as being inappropriately maintained or established will not be accepted and will remain on maintenance until such time that the Responsible Authority deems it acceptable.

Notes

1. A handover inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The maintenance bond will be returned on acceptance of handover.
2. No handovers will be accepted during the summer period, between 30 November and 1 March.

Section 173 Agreements

75. Development Contributions, Infrastructure Items, public open space contributions and any other relevant requirement of the section 173 Agreement applying to the land must be satisfied in accordance with the Agreement to the satisfaction of the Responsible Authority. Detail, to the satisfaction of the Responsible Authority, must be provided detailing the method of calculation of the contribution or requirement to be satisfied.

Barwon Water Conditions

General

76. The owner shall create easements for Pipelines or Ancillary Purposes and or reserves in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Manual, without cost to Barwon Water, over existing and proposed water and sewerage infrastructure within the land. If further easements or reserves are required following design of water and sewerage infrastructure these must be added to the plan of subdivision prior to seeking Barwon Water's consent to the issue of a statement of compliance for the subdivision.
77. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.
78. Barwon Water has two strategic mains surrounding the above mentioned sites, being the 1000mm Grovedale Feeder Main to the south and the 1400mm Pettavel-Montpellier Transfer Main to the West. Both mains are critical to the region and they are to be protected to the satisfaction of Barwon Water.

Water

79. The provision and installation of individual water services to all lots in the subdivision. Note, that tappings and services are not to be located under existing or proposed driveways.
80. The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.
81. Reticulated water mains or a water main extension are/ is required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.

Sewer

82. The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment.
83. The payment of New Customer Contributions for sewer for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered (for water supply).
84. Reticulated sewer mains or a sewer main extension are/ is required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
85. Additional sewerage assets are required to service this development. The creation of assets is additional to the internal works required for which the developer will be responsible to provide. The assets required are a Sewerage Pump Station (SPS) and Rising Main (RM).

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would

be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water Land Development reference number **L014521**.

Powercor Conditions

86. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
87. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A Payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
88. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. The applicant shall arrange compliance through a Registered Electrical Contractor.
89. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
90. The applicant shall set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
91. The applicant shall provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of Powercor Australia Ltd for 'Powerline Purposes' pursuant to Section 88 of the Electricity Industry Act 2000.
92. The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
93. The applicant shall adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
94. The applicant shall obtain Powercor Australia Ltd's approval for a lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
95. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

CFA Conditions

Hydrants

96. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants must be no more than 120 metres apart.
- b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note – CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)

Roads

97. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
98. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
99. Curves must have a minimum inner radius of 10 metres.
100. Roads must have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 4 metres above the access way.
100. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

CCMA Conditions

101. There is to be no loss of floodplain storage as a result of the development.
102. All streets, footpaths and cycle paths that are subject to flooding must meet the applicable flood hazard safety criteria.
103. All lots within the development shall be free from inundation from 1% AEP flood events.
104. A Works on Waterways Permit is required from the Corangamite Catchment Management Authority prior to any works on or within the bed and banks of the waterway.

VicTrack Conditions

105. No waste, soil or other materials from the works are to be stored or deposited on VicTrack land.
106. All works including hoardings must be undertaken within the subject land and must not encroach onto VicTrack land.
107. No entry onto railway land is permitted without the written consent of the rail operator.

108. No permanent or temporary ground anchors are permitted within VicTrack land.

Telecommunication Conditions

109. The owner of the land must enter into agreements with
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.
110. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Department of Jobs, Precincts and Regions – Earth Resources Regulation Branch

111. Land affected by the 250 metre extractive industry buffer as shown on the endorsed plan must not be subdivided or developed without the further written agreement of the Department of Jobs, Precincts and Regions..

Expiry

112. This permit will expire if one of the following circumstances applies:
- a) The first stage of the plan of subdivision has not been certified within two years of the date of this permit.
 - b) All stages of the plan of subdivision have not been certified within five years of the date of this permit.
 - c) A statement of compliance is not issued within five years of the date of certification of a particular stage of subdivision.

The Responsible Authority may extend the certification period referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C372ggee to the Greater Geelong Planning Scheme].

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development: or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit

**PLANNING
PERMIT
GRANTED UNDER SECTION 96I OF
THE PLANNING AND ENVIRONMENT
ACT 1987**

Permit No.: 663/2017

Planning scheme: Greater Geelong

Responsible authority: City of Greater Geelong

ADDRESS OF THE LAND: 69-93 HAMS ROAD, WAURN PONDS

THE PERMIT ALLOWS: Variation of Covenant (Gas Easement), Removal of Vegetation and Multi Lot Subdivision

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of the development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the Overall Subdivision Masterplan dated 24 July 2019 (MP19) but modified as follows:
 - a) The staging plan must be amended to include construction of Retarding Basin 2 in stage 1 of development.
 - b) An extractive industry buffer extending 250 metres from the boundary of the land zoned Special Use Zone 7 to the south of the railway line
 - c) All corner lots at intersections must have a minimum width of 14.0 m.
 - d) Road reserve boundaries and splays are sufficient to accommodate a roundabout at the internal four-legged intersection contained in Stage 1.
 - e) Provision of a court bowl at the dead end roads contained in Stage 2 and Stage 5 respectively with provision of a 21.0 m diameter between Face of Kerbs
 - f) The active pedestrian path through the creek reserve to be a minimum of 3.5 metres wide and connected to the existing shared path that runs alongside the Geelong Ring Road
 - g) remove references to turn bans at the Grange Park Drive/Hams Road intersection
 - h) a minimum 3 metre wide shared user path (off road), on the southern side of Hams Road from the Geelong Ring Road underpass, along the length of Hams Road, across Ghazeeppore Road connecting to Sugargum Drive.

Endorsed Plans

2. The layout and site dimensions of the subdivision as shown on the endorsed plan(s) must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan(s).
3. The staging of the subdivision must be generally in accordance with the staging plan endorsed as part of this planning permit except with the prior written consent of the Responsible Authority.

Prior to Certification

4. Any Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required

between the subject site and the nominated legal point of discharge must be created, and any easement no longer required or approved to be removed as part of this permit must not be shown on the plan to the satisfaction of the Responsible Authority.

5. Prior to certification of any plan of subdivision, engineering plans for the construction of new council infrastructure must be submitted to the satisfaction of the Responsible Authority for approval.

Noise

6. Prior to certification of any plan of subdivision, a revised acoustic report(s) prepared by a suitably qualified acoustic consultant must be submitted to the satisfaction of the Responsible Authority for approval. Once approved, the revised acoustic report(s) will be endorsed and will form part of the permit.

The revised acoustic report(s) must:

- a) reassess predicted noise levels from the Geelong Ring Road and from Baanip Boulevard at future dwellings on the subject land in accordance with the VicRoads Traffic Noise Reduction Policy. The assessment must include dwellings along the Geelong Ring Road, dwellings along Baanip Boulevard and dwellings along Hams Road with a line of sight to the Geelong Ring Road
 - b) include recommendations for any noise mitigation measures required to achieve the requirements of Australian Standard AS2107:2016 and the VicRoads Traffic Noise Reduction Policy, in relation to traffic from the Geelong Ring Road and Baanip Boulevard
 - c) demonstrate, including through modelling, that the requirements of condition 5A(a) can be met, to the satisfaction of the Responsible Authority.
7. Prior to the certification of any plan of subdivision (or any relevant stage of a subdivision), any restrictions on the plan of subdivision including relevant “Design Guidelines”, “Restrictions” and/or “Memorandum of Common Provisions” must be submitted to the Responsible Authority for approval and applied to affected lots to the satisfaction of the Responsible Authority. Once approved, the restrictions and associated documentation will be endorsed and form part of the permit.

The Restrictions / Design Guidelines / Memorandum of Common Provisions must include:

- a) A restriction applying to any lot directly opposite the Warrnambool Railway Line (as shown on the Overall Subdivision Masterplan MP19), that does not allow the construction of any dwelling on the burdened lot unless it incorporates noise attenuation treatments to ensure the following internal noise criteria are met, to the satisfaction of the Responsible Authority:
 - o 55 dB L_{Amax} for bedrooms
 - o 60 dB L_{Amax} for living areas.
 - a) A restriction applying to any lot directly opposite the Geelong Ring Road or Baanip Boulevard (as shown on the Overall Subdivision Masterplan MP19), that does not allow the construction of any dwelling on the burdened lot unless it incorporates noise attenuation treatments to ensure the requirements of Australian Standard AS2107:2016 and the VicRoads Traffic Noise Reduction Policy are met, to the satisfaction of the Responsible Authority.
8. Any recommendations of the revised acoustic report(s) referred to in condition 5A that are not implemented through the Restrictions / Design Guidelines / Memorandum of Common Provisions required under condition 6 must be implemented to the satisfaction of the Responsible Authority.

Prior to commencement of works

9. Unless otherwise approved in writing Works for stage 1 of the development cannot commence unless the works to upgrade Hams Road required under both this permit and Permit PP-662-2017 are completed to the satisfaction of the Responsible Authority.

Easements – Drainage

10. Prior to certification of the Plan of Subdivision for each stage, easements for the purpose of 'Drainage' must be set aside in favour of the City of Greater Geelong, to the satisfaction of the Responsible Authority.

Fill

11. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.
12. No material shall be brought onto the site for use as filling within the subject area under this Permit, unless with the written approval of the Responsible Authority. Prior to any approval being issued by the Responsible Authority for imported filling to be used on the site, the applicant must submit for approval to the Responsible Authority, samples of proposed filling, details of the source of the filling, details of proposed traffic routes to be traversed, soil testing results and reports in regard to the presence of contaminants in the filling, and the suitability of filling to be placed on site.
13. All areas to be filled shall be stripped of vegetation and any top soil shall be removed and stockpiled for reuse over the filled areas. Only approved filling material shall be placed on the site. The filling shall be placed in maximum 150 mm layers, or as approved otherwise by the Responsible Authority, and compacted to the applicable level for filling on allotments and within future roadways in accordance with AS3798, to the satisfaction of the Responsible Authority.
14. At the completion of the bulk earthworks, and at completion of the works for each stage, all disturbed areas shall be hydro mulched with an approved seed and fertilizer mixture to the satisfaction of the Responsible Authority to suppress dust, and minimise erosion, unless approved otherwise by the Responsible Authority.
15. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

Engineering Plans - drainage

16. Prior to the commencement of site works for any stage of the subdivision, the applicant is required to submit detailed drainage construction plans prepared by a suitably qualified engineer to the Responsible Authority for approval. The plans shall include details of pits and pipes sizes, finished and existing surface levels, creation of appropriate easements, detention basin(s) including any required drainage reserves, water quality treatment and connection to the legal point of discharge.

The plans must show that the design for the drainage system achieves the following, to the satisfaction of the Responsible Authority:

- includes recommendations of the report titled *35 & 69-93 Hams Road PSA Flood Modelling* dated 30 October 2018 (Water Technology)
- includes recommendations of the report titled *35 Hams Road and 151-229 Anglesea Road, Waurin Ponds Surface Water Management Strategy* (Version 3) dated 19

September 2013 (Neil M Craigie) relating to geotechnical investigations to confirm requirements for the wetland and the use of non-dispersive topsoil

- complies with the requirements of the Infrastructure Design Manual and any other relevant standards
- limits site run-off to equivalent pre-developed levels for rainfall events up to and including the critical 1% AEP event.

The plans must include, but not limited to, the following to the satisfaction of the Responsible Authority:

- a) The stormwater drainage system on the site must be designed such that stormwater run-off exiting the land meets the current best practice performance objectives for stormwater quality as follows:
 - i. 80% retention of the typical annual load of suspended solids;
 - ii. 45% retention of the typical annual load of total phosphorous;
 - iii. 45% retention of the typical annual load of total nitrogen; and
 - iv. 70% retention of the typical annual load of gross pollutants.
- b) Upgrade of the existing outlet and culvert from the retarding basin on the north side of Hams Rd;
- c) Upgrade of the existing Ghazeepore Road culvert;
- d) Upgrade or replacement of the existing culvert beneath the Geelong Warrnambool railway corridor;
- e) All external drainage works within the VicRoads reserve (Geelong Ring Road Section 4B) to connect and channel the existing drainage network extending from the Ring Road/shared path, to the open waterway reserve in the land;
- f) Any temporary drainage works that may be required to ensure that the conditions of this permit are met if the land in PP-662-2017 develops before the land in this permit, or the land in this permit develops before the land in PP-662-2017;
- g) Minimum finished surface levels on all lots must be 300mm above the relevant 1% AEP flood level.
- h) Details of waterway remediation.
- i) Details of remediation to existing dams / permanent water bodies. A risk assessment must be provided in accordance with Royal Lifesaving Society guidelines.

The Responsible Authority may require further modelling to demonstrate that the drainage system can achieve the requirements of this permit, to the Responsible Authority's satisfaction, before it endorses the drainage engineering plans.

Note: Detailed Road and Drainage Design Plans for any stage that result in flood levels on existing properties being adversely affected by the proposed works will not be approved for construction.

Engineering Plans – roads

17. Prior to the commencement of works for each stage of the subdivision, construction plans must be submitted to and approved by the Responsible Authority for the full construction of roads including road reserves, design of all intersection treatments, traffic management devices, linemarking, signage, kerb and channel, vehicle crossing laybacks, road pavement and sealing and footpaths.
 - a) 18. The plans must include the following, to the satisfaction of the Responsible Authority; Construction of abutting roads including concrete kerb and channel, footpath and sealed road pavement;
 - b) Footpaths on both sides of roads unless otherwise approved;
 - c) All footpath treatments showing DDA compliance at all designated crossing points
 - d) Suitable road reserve cross sections to convey major drainage flows

- e) Turning areas suitable for the safe and efficient turning of service and emergency vehicles.

Construction Management Plan

18. A Construction Management Plan shall be submitted to and approved by the Responsible Authority and shall address items including (but not be limited to) the following:
- a) The protection of all existing vegetation to be retained and waterways;
 - b) Show access locations for construction vehicles;
 - c) All appropriate control of site emissions during construction and the defects liability period;
 - d) A staging plan for all construction phases including indicative dates for commencement and completion;
 - e) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
 - f) Details of actions to be implemented to in the event of damage to abutting assets;
 - g) Details of where construction personnel will park;
 - h) Hours/days of construction, including deliveries. (Note: These hours must be consistent with the Environment Protection Authority (EPA) legislation/guidelines);
 - i) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
 - j) Details of site cleanliness and clean up regimes;
 - k) Location of material storage;
 - l) Dust suppression management;
 - m) Details of measures to be maintained during the housing construction phase of development to prevent sediment entering downstream drainage infrastructure;
 - n) Measures to implement the recommendations of the Cultural Heritage Management Plan prepared by Benchmark Heritage Management dated 31 October 2018 and approved by the Wathaurung Aboriginal Corporation on 29 November 2019;
 - o) Any other measures that are consistent with the following Environmental Protection Authority publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions'

Local Area Traffic Management and Road Name Plan

19. Unless otherwise approved in writing by the Responsible Authority, prior to the lodgement of the Stage 1 Functional Layout Plans a Local Area Traffic Management (LATM) Plan for PP-662-2017 and PP-663-2017 must be developed with Council's Traffic Development Engineer, and submitted to and approved by the Responsible Authority.

The LATM treatments may include, but not limited to:

- a) traffic management devices internal and external to the site,
- b) modified intersection priorities,
- c) indented car parking,
- d) signage,
- e) linemarking, and
- f) vehicle crossing locations.

All treatments shown on the LATM Plan on subsequent construction plans for each stage must be consistent with the approved LATM Plan, to the satisfaction of the Responsible Authority.

The LATM Plan must be implemented to the satisfaction of the Responsible Authority.

- 19A. When the LATM plan has been finalised, a Road Naming Plan must be developed with Council's Traffic Development Engineer, and submitted to and approved by the Responsible Authority. The Road Naming Plan must respect the LATM plan and the *Naming Rules For Places in Victoria* document. Pre-approved road names and descriptors shall be applied to a

color-coded length of road on the Road Naming Plan. All road naming on subsequent plans of subdivision for each stage must be consistent with the approved Road Naming Plan.

Road Names and Signs

20. Prior to the development of the Road Naming Plan and lodgement of the Functional Layout Plan for Stage 1, the applicant must provide a list of all proposed road names within the subdivision for approval by Council's Properties and Valuations unit. The applicant must provide and place all relevant street signs, and are consistent with the road names shown on all approved plans, to the satisfaction of the Responsible Authority.

Construction of Roadworks/ Drainage

21. Unless otherwise agreed to in writing with the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stages that contain or abut Hams Road, the shared user path (off road) on the south side of Hams Road must be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria.
22. Prior to the issuing of a Statement of Compliance for any stage of the subdivision, all road and drainage works, including basin(s), required for that stage of the subdivision must be constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority. The Hams Road upgrades must be completed as part of Stage 1.
23. All development and works must be carried out in accordance with the Construction Management Plan endorsed under this permit, all to the satisfaction of the Responsible Authority.
24. The design and construction of civil infrastructure to become council assets must be approved and supervised by council. A fee of 3.25% of the cost of the works is to be paid to council for the checking and supervision of these works.
25. A maintenance bond of 5% of the cost of the works is to be paid to council and will be returned after successful completion of a 12 month maintenance period for civil works.
26. Following Practical Completion, wetlands shall be maintained by the applicant for a period of 24 months, to the satisfaction of the Responsible Authority.
27. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, relevant street sign/s must be erected to the satisfaction of the Responsible Authority.
28. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, street lighting must be provided within the site and along external frontages in accordance with the relevant Australian Standard(s), unless otherwise agreed in writing by the Responsible Authority and unless it can be demonstrated that existing street lighting is sufficient for public safety to the satisfaction of the Responsible Authority.
29. During the construction phase of the development, the following conditions must be met:
 - a) only clean rainwater shall be discharged to the stormwater drainage system;
 - b) stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - c) vehicle borne material from the premises shall not accumulate on the roads abutting the site;

- d) all machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
- e) fencing is to be fitted and installed so as to ensure safe access for pedestrians; and
- f) all litter must be contained on site;

All to the satisfaction of the Responsible Authority.

No Removal of Native Vegetation

- 30 No native vegetation shall be removed other than that marked on plan endorsed under condition 31, to the satisfaction of the Responsible Authority.

Vegetation Protection

31. Before works commence, a plan to the satisfaction of the Responsible Authority identifying:
- a) the Ecological Vegetation Classes present on the land
 - b) all native vegetation to be removed and retained
 - c) describing the measures to be used to protect the identified vegetation to be retained during construction,
- must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
32. The following requirements must be met:
- a) Removal, including pruning, of native vegetation must be undertaken using a suitably qualified arborist and be carried out in accordance with AS4373 – 2007; ‘Pruning of Amenity Trees to the satisfaction of the Responsible Authority’. The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.
 - b) Prior to any vegetation removal, vegetation to be removed must be clearly marked on site and accord with the endorsed plan. An inspection is required to be undertaken by the City’s Environment Unit.
 - c) Prior to any native vegetation removal, all patches of native vegetation of native to be retained on site shall be protected by Native Vegetation Protection Fencing in accordance with *AS4970-2009 Protection of Trees on Development Sites*. An inspection is required to be undertaken by the Responsible Authority.
 - d) No grazing must occur on native vegetation (including the wetlands and ponds) to be protected (unless permitted by a Management Plan approved by the Responsible Authority) to the satisfaction of the Responsible Authority.
 - e) Water run-off must be designed to ensure that native vegetation to be protected is not compromised, to the satisfaction of the Responsible Authority.
 - f) The Native Vegetation Protection Fencing must have signs attached around the fencing which clearly states - VEGETATION PROTECTION ZONE - No Access Permitted. An inspection is required once the Tree Protection Fencing has been erected. Please contact the City’s Environment Unit to arrange an inspection.
 - g) Except with the written consent of the Responsible Authority, none of the following are permitted to occur within the Tree Protection Zone:
 - 1. vehicular or public pedestrian access.
 - 2. trenching or soil excavation.

3. storage or dumping of tools, equipment, soil, stone or waste is to occur.
4. construction of entry and exit pits for underground services.
5. temporary or permanent installation of signs and utilities.

Vegetation Management Plan

33. Prior to the commencement of any works for any relevant stage of the subdivision that may impact the Creekline Grassy Woodland and Sedge Wetland vegetation, a Vegetation Management Plan must be submitted to and approved by the Responsible Authority. When approved this Vegetation Management Plan will form part of this permit. Any plan must include:
 - a) Measures to protect and enhance the existing vegetation to be retained and water quality within the existing wetlands and ponds that are being retained, that are consistent with the requirements of condition 31A.

The approved vegetation management plan must be implemented to the satisfaction of the Responsible Authority.

Weed Management Plan

34. Prior to the commencement of works, a Weed Management Plan must be submitted to and approved by the Responsible Authority. When approved this Weed Management Plan will form part of this permit. Any plan must detail:
 - a) Species and extent of weed infestation.
 - b) Current and/or proposed treatment methods.
 - c) Timeframes.
 - d) any other relevant information

The approved weed management plan must be fully implemented prior to the commencement of any on-ground earthworks to the satisfaction of the Council's Environment Unit.

Native Vegetation Offsets

35. In order to offset the removal of 6.1946hectares of native vegetation as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017)

The general offset must:

- a) contribute gain of 0.876general biodiversity equivalence units
 - b) be located onsite where possible, or within the Corangamite Catchment Management Authority boundary or City of Greater Geelong municipal district
 - c) have a strategic biodiversity score of at least 0.336.
36. Before any native vegetation is removed, where offsets are to be provided off-site, evidence that an offset has been secured must be provided to the satisfaction of the Responsible

Authority. This offset must meet the offset requirements set out in this permit. The offset evidence can be either:

- a) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
- b) a credit register extract from the Native Vegetation Credit Register.

Any credit register extract from the Native Vegetation Credit Register must be submitted to the Environment Unit as a formal record of the offset evidence.

At the conclusion of the subdivisional construction works, the overall native vegetation offset requirements must be reconciled with agreement by the Responsible Authority and DELWP and either credits are made available or further offsets are to be purchased.

Fauna Management Plan

37. Prior to the commencement of any works, a Fauna Management Plan must be submitted to and approved by the Responsible Authority. Any plan must include:

- a) A pre-clearance survey to assess the presence of Growling Grass Frog, Ballion's Crake and Barking Owl (the survey must be undertaken during the optimal breeding season for the Growling Grass Frog)
- b) Procedures for the salvage and relocation of any frog species present on the land under the supervision of a qualified zoologist prior to the commencement of works

Details outlining the measures to protect the habitat and water quality for the frog population present within the wetland and ponds to be retained.

The approved Fauna Management Plan must be implemented to the satisfaction of the Responsible Authority.

Fauna Protection

38. Prior to the removal or lopping of any tree, the tree must be examined by a suitably qualified zoologist with relevant permits. If native fauna species are located, they must be salvaged and relocated to the closest suitable vegetation.

39. Any dams or water bodies filled as part of the approved development must be drained at least 48 hours prior to works commencing to enable the relocation or translocation of fauna.

40. Prior to the commencement of any works (excluding works associated with removal of potentially contaminated material, such as fuel tanks and fill, which may be undertaken prior to or concurrent with the assessment), an Environmental Assessment must be submitted which must include an assessment of the land by a suitably qualified environmental professional detailing the level and location of any contamination. This assessment is to be peer reviewed by a suitably qualified environmental professional approved by the Responsible Authority. If the Responsible Authority is satisfied that significant levels of contamination have been found the following must be provided to the Responsible Authority, either:

- a) A Certificate of Environmental Audit must be issued for the land in accordance with Part 1XD of the Environment Protection Act 1970, or

- b) A Statement of Environmental Audit must be issued in accordance with Part 1XD of the Environment Protection Act 1970 stating that the environmental condition of the land is suitable for the sensitive use (with or without conditions on the use of the site).

Waterway Rehabilitation Plan

- 41. Prior to the commencement of works, a Waterway Rehabilitation Plan for the entire creek corridor must be submitted to and approved by the Responsible Authority. Any Plan must detail the specific rehabilitation and revegetation of the creek corridor to an average width of 30 metres either side of the centreline of the creek. When approved the plan will be endorsed and then form part of this permit. Any Plan must include:
 - a) Details regarding the proposed works within the creek and its embankments. An extensive vegetated riparian corridor is to be established as part of the design. Cross-sections outlining the proposed treatment must be provided.
 - b) Details regarding the protection and enhancement of the Creekline Grassy Woodland and Sedge Wetland to be retained must be provided.
 - c) Details of all revegetation works including the use of plants listed within the City's Indigenous plants of the Geelong Region Zone 7 and native species found as part of the flora survey, including densities and any specific treatments.
 - d) The provision of habitat improvements (ie rocks, logs etc) for frogs and other fauna.
 - e) The location of any stabilisation works (if required) such as rockwork and/or jute matting.
 - f) The use of non-dispersive topsoil.
 - g) Details of all weed control works.
 - h) Details of the proposed maintenance program for a minimum of two years after Practical Completion is awarded by the Responsible Authority.
- 42. Prior to the transfer to Council of the creek corridor, all works identified within the approved Waterway Rehabilitation Plan must be fully completed by the applicant and maintained for a period of two years after Practical Completion, unless otherwise agreed in writing by the Responsible Authority. A detailed inspection shall be undertaken by the Responsible Authority of all the required on-ground works before any transfer is undertaken.
- 43. If the creek rehabilitation works are undertaken in two stages and 35 Hams Road is completed first a separate agreement will need to be prepared between the applicant and the Responsible Authority in respect to specifying a formal handover process of the partially completed asset.

Landscape Master Plan

- 44. Unless otherwise approved in writing by the Responsible Authority, prior to issue of Statement of Compliance for the first stage of the subdivision, a landscape master plan (incorporating a street tree master plan) for the permit area must be developed and submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and form part of the permit.. It must be drawn to scale with dimensions and submitted electronically. The landscape master plan must show and include, but not be limited to:
 - a) The location, size and title designation of all land to be developed as reserves, including Public Open Space Reserves, Conservation Reserves, Greenways, Road Reserves and Drainage Reserves;

- b) The ultimate 1% and 10% Annual Exceedance Probability storm event extents;
- c) A general indication of what recreation infrastructure is proposed and its location, including but not limited to: playgrounds, furniture, and exercise equipment, kick about areas, paths, shelters, vehicle exclusion barriers and maintenance access points;
- d) The style and location of permeable fencing for all lots abutting reserves (excluding road reserves);
- e) The proposed species to be used for and general layout of street tree planting in various stages of the subdivision including the proposed planting theme for all secondary frontages of corner allotments. Tree placement on secondary lot frontages must use no more than two trees that grow to an estimated size of no greater than 5 x 4 metres at maturity;
- f) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres, in compliance with AS2303-2015 *Tree Stock for Landscape Use*;
- g) The principles and graphical concepts of Public Art which complies with the requirements of Council's Art and Culture Department;
- h) The location and size of any water sensitive urban design assets.

Notes:

1. Consultation with Council's Recreation and Open Space Unit during early concept design is encouraged to help facilitate efficient approval processes.
2. Any pathway within the open space reserves should be located having regard to the protection of existing vegetation worthy of retention.

Detailed Landscape Plans

45. Unless otherwise agreed in writing by the Responsible Authority, prior to the Statement of Compliance being issued for each applicable stage of the subdivision, a detailed landscape plan for the stage must be prepared and submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and form part of the permit. The landscape plan must be drawn to scale with dimensions and submitted electronically. Any plan must address and be consistent with the endorsed landscape master plan applying to the site and show, but not be limited to:
 - a) The ultimate 1% and 10% Annual Exceedance Probability storm event extents;
 - b) Vegetation that is approved to be retained, removed and/or lopped in accordance with the Vegetation Protection Plan, as well as any other practical retention tree(s) within a reserve (excluding conservation reserves) for any stage of the development. The tree(s) must be assessed by a suitably qualified arborist to determine suitability for retention and ongoing management recommendations. The detailed landscape plan for the area in which the tree(s) are located must be informed by this arboriculture assessment and show details of tree protection zones. This assessment must be submitted to council as part of the approval process;
 - c) A detailed planting schedule and proposed planting layout of all areas of and adjoining open space, including proposed trees, shrubs, groundcovers and aquatic planting (if applicable, with zonation detail), and showing botanical names, common names, pot sizes, sizes at maturity, quantities and densities of each plant;
 - d) The proposed layout, materials and finish of all finished surfaces, structures, fences abutting council reserves, maintenance vehicle access crossovers, maintenance access gates, play equipment, furniture and bike parking;
 - e) Detailed planting and construction drawings including site contours and any proposed

- changes to existing levels including any structural elements such as retaining walls;
- f) Detailed planting and construction drawings of any drainage and WSUD infrastructure within public reserves;
 - g) Permeable fence design details for lots abutting open space reserves and Council reserves (except road reserves). Fencing detail must be to Council specifications;
 - h) Additional supporting information, such as certified structural designs or building forms;
 - i) The removal of existing disused structures, foundations, pipelines, farm dams or stockpiles and the eradication of weeds;
 - j) The proposed landscaping treatment of any road reserve abutting public open space;
 - k) A detailed schedule of quantities showing accurate cost estimates of each item included in the plan.

Notes:

- 1. Hard copy/copies of the landscape plan must be provided at the reasonable request of the responsible authority.
- 2. Consultation with Council's Recreation and Open Space Unit during early concept design is encouraged to help facilitate efficient approval processes.

No Utility Services on Public Open Space

- 46. Utility service substations, kiosk sites and the like must not be located on any land identified as unencumbered open space unless otherwise agreed in writing by the responsible authority. Any existing or future easements affecting all land which is to be vested in council must be clearly identified on the detailed landscape plans as per the condition above.

Council Reserves — Vehicle Access Barriers

- 47. Unless otherwise approved in writing by the Responsible Authority, prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision which includes a Council reserve, suitable vehicle access barriers must be provided across the entrance of the Council Reserve, one of these shall be de-mountable to allow access to Council maintenance vehicles to the satisfaction of the Responsible Authority. The location of these barriers shall be determined by the Responsible Authority.

Fencing of Council Reserves

- 48. Unless otherwise approved in writing by the Responsible Authority, prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision which includes a Council reserve, the applicant must erect an appropriate fence on the boundaries of the Council Reserve to the satisfaction of the Responsible Authority and at no cost to Council.

Completion of Landscape Works

- 49. Unless otherwise approved in writing by the Responsible Authority, the landscaping works shown on the approved landscape plan for a particular stage must be completed to the satisfaction of the Responsible Authority, prior to the issue of a Statement of Compliance for that stage.
- 50. If the Responsible Authority agrees to issue Statement of Compliance prior to the landscaping works being completed, the entire landscaping works must be bonded to the satisfaction of the Responsible Authority. The landscape works bond or bank guarantee must be 125 per cent of the estimated cost of entire landscape works as shown in the approved schedule of quantities

submitted as part of the landscape plans. Unless otherwise agreed in writing by the Responsible Authority the bonded works must be completed within one year of the date of the lodgement of the bond.

51. A practical completion inspection is required and must be arranged by the permit holder with two weeks' notice provided for the responsible authority. The practical delivery of the endorsed plans must be at a standard to the satisfaction of the responsible authority to pass this inspection. If applicable, the landscape works bond will be returned on award of practical completion.
52. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of practical completion of landscaping works, or any other time as agreed by the Responsible Authority, the following must be provided to the Responsible Authority:
 - a) The vesting of the reserve to Council, at no cost to Council;
 - b) Building permits and structural engineering compliance, as-built construction plans, and materials detail where necessary;
 - c) Landscaping maintenance plan
 - d) Schedule of Quantities showing the financial value of all hard assets
 - e) As-built landscaping plans in PDF and GIS-ready AutoCAD (DXF) format.
 - f) An independent playground auditors report with evidence of rectification of any identified defects. The report must relate to all playground equipment, fitness equipment, natural play area, soft fall areas and edging to ensure that all aspects of playground construction meet Playground Standards AS/NZ4422 1996 and AS4685 parts 1-6 2004 and is in good working order and safe for use.
53. Unless otherwise agreed in writing by the Responsible Authority, a maintenance bond must be submitted to the Responsible Authority on application for practical completion of landscaping works. The maintenance bond or bank guarantee must be 125 per cent of the estimated cost of maintenance of landscape works for a two (2) year period.

Maintenance of Landscaping

54. The landscaping shown on any endorsed landscape plan for a particular stage must be maintained to the satisfaction of the Responsible Authority for a period of no less than two (2) years from the date of practical completion of the landscaping unless otherwise agreed in writing by the Responsible Authority. During this period, any dead, diseased or damaged plants are to be replaced and any landscaped area and hard assets are to be repaired as required to ensure the landscaping is maintained to the same standard as when practical completion was awarded.
55. Should the permit holder default on landscape maintenance requirements which leads to a partial or full replanting, the responsible authority will consider the extension of the maintenance period as necessary to provide for establishment of replacements.
56. A handover inspection is required and must be arranged by the permit holder with two weeks' notice provided for the responsible authority. The maintenance of the completed works must be at a standard to the satisfaction of the responsible authority to pass this inspection. The maintenance bond will be returned on award of Handover.
57. The applicant and contractors who will construct and maintain the subject reserves and associated landscaping must obtain and maintain appropriate public liability insurance (with the responsible authority's interest noted on the certificate of insurance) over the entire reserve area for the duration of the maintenance period.

Notes:

1. The responsible authority will not be responsible for the reserve and its assets or public

liability until a handover inspection has taken place and written acceptance of handover has been issued.

2. At the conclusion of the maintenance period all maintenance responsibilities will be transferred to the responsible authority.
3. No handovers will be accepted during the summer months from 01 December to 28 February inclusive.

Public Open Space Contributions

58. The owner of the subject land must provide Public Open Space in part by land and the balance by cash-in-lieu equivalent to ten (10) per cent of the site value of all developable land in the subdivision pursuant to Section 18 of the Subdivision Act 1988. The contribution will be payable prior to the issue of a Statement of Compliance.

Street Tree Master Plan

59. For any multi staged development a street tree master plan must be submitted to and approved by the Responsible Authority.
60. The master plan must be developed to include the following:
 - a) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres that comply with AS2303 *Tree Stock for Landscape Use*
 - b) Tree placement on secondary lot frontages using no more than two (2) trees that grow to an estimated size at maturity of no greater than 5 x 4m

Notes:

1. Street tree species selection within the master plan is subject to approval by Powercor in accordance with the requirements of the Distribution Construction Standard, Underground Trenching. Tree location and species type shall be determined, in consultation with CitiPower/Powercor, based on the specific site and the ability of the tree to both enhance the local amenity and co-exist with utility services infrastructure – with all trees to be identified on a ‘master services plan’ provided by the party planting the trees.
2. The applicant must obtain and provide evidence to the Responsible Authority that Powercor has been consulted and has agreed with the proposed street tree species palette.

Streetscape Works, Detailed Plans

61. Prior to the Statement of Compliance being issued for each relevant stage of the subdivision, a detailed streetscape plan, prepared by a person suitably qualified in landscape design, must be submitted to and approved by the Responsible Authority.
62. When approved, the plan will be endorsed and will then form part of the permit. The streetscape plan must be drawn to scale with dimensions and three hard copies provided.
63. Where applicable, the plan must be generally in accordance to the street tree master plan and show:
 - a) The name and stage of the estate and the Planning Permit Number
 - b) The layout of proposed new planting in all road reserves and traffic management devices (e.g. medians, islands, and roundabouts)

- c) Details of all other infrastructure within the road reserve (e.g. underground services, street lights, stormwater pits, fire plugs etc)
- d) A detailed planting schedule of all proposed trees and plants including botanical names, common names, pot sizes, sizes at maturity and quantities for each species
- e) All proposed groundcover & shrub planting with a minimum container size of 150mm
- f) The maintenance schedule for all proposed planting
- g) Plan view indicating mature tree sizes, shown to scale to illustrate the extent of canopy coverage
- h) All road cross sections applicable to the site
- i) TPZ on all plans (where applicable)

Notes:

1. Proposed entry signage must not be located on public land.
2. Landscape treatments within traffic control devices such as medians and roundabouts are subject to specific control measures.
3. Where applicable in multi-staged developments the Street Tree Master Plan may form part of the Landscape Master Plan

Completion of Streetscape Works

64. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of Statement of Compliance for a particular stage of development all streetscape works shown on the endorsed streetscape plans for that stage must be completed to the satisfaction of the responsible authority.
65. Where streetscape works forming part of the endorsed plans are not completed to the satisfaction of the Responsible Authority prior to the applicant seeking a Statement of Compliance for all, or a particular stage of a subdivision, the applicant may request the approved Streetscape Plan to be appropriately bonded or covered by a bank guarantee. Estimates must be professionally costed and submitted to the Responsible Authority for approval, once approved the bonds or bank guarantees must be submitted to the Responsible Authority separately prior to Statement of Compliance being awarded.
 - a) The incomplete streetscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete streetscape works.
 - b) The maintenance bond or bank guarantee must be 125% of the estimated cost of maintenance activities for a two (2) year period.

Notes

1. A certificate of practical completion is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete works bond will be returned once practical completion has been awarded.
2. Works bonded as outstanding must be enacted within one (1) year of statement of compliance being awarded.

Maintenance of Streetscape Works

66. All works must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the date of practical completion. During this period, any dead, diseased or damaged plants are to be repaired or replaced as required.
67. Where the landscape works are bonded, the maintenance period will commence from the date that the works are awarded Practical Completion by the Responsible Authority.

68. A maintenance bond to the value of 125% of the cost of works must be submitted to the responsible authority on application for practical completion of landscaping works to be retained until such time that the works have been accepted by Council for handover.
69. Works that have achieved practical completion will be randomly inspected throughout the maintenance period. Works deemed by the Responsible Authority as being inappropriately maintained or established will not be accepted and will remain on maintenance until such time that the Responsible Authority deems it acceptable.

Notes

1. A handover inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The maintenance bond will be returned on acceptance of handover.
2. No handovers will be accepted during the summer period, between 30 November and 1 March.

Barwon Water Conditions

General

70. The owner shall create easements for Pipelines or Ancillary Purposes and or reserves in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Manual, without cost to Barwon Water, over existing and proposed water and sewerage infrastructure within the land. If further easements or reserves are required following design of water and sewerage infrastructure these must be added to the plan of subdivision prior to seeking Barwon Water's consent to the issue of a statement of compliance for the subdivision.
71. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.
72. Barwon Water has two strategic mains surrounding the above mentioned sites, being the 1000mm Grovedale Feeder Main to the south and the 1400mm Pettavel-Montpellier Transfer Main to the West. Both mains are critical to the region and they are to be protected to the satisfaction of Barwon Water.

Water

73. The provision and installation of individual water services to all lots in the subdivision. Note, that tappings and services are not to be located under existing or proposed driveways.
74. The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.
75. Reticulated water mains or a water main extension are/ is required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.

Sewer

76. The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment.

77. The payment of New Customer Contributions for sewer for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered (for water supply).
78. Reticulated sewer mains or a sewer main extension are/ is required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
79. Additional sewerage assets are required to service this development. The creation of assets is additional to the internal works required for which the developer will be responsible to provide. The assets required are a Sewerage Pump Station (SPS) and Rising Main (RM).

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water Land Development reference number **L014521**.

Powercor

80. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
81. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A Payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
82. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. The applicant shall arrange compliance through a Registered Electrical Contractor.
83. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
84. The applicant shall set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
85. The applicant shall provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of Powercor Australia Ltd for 'Powerline Purposes' pursuant to Section 88 of the Electricity Industry Act 2000.

86. The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
87. The applicant shall adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
88. The applicant shall obtain Powercor Australia Ltd's approval for a lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
89. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

CFA Conditions

Hydrants

90. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
 - a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants must be no more than 120 metres apart.
 - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note – CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

Roads

91. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
92. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
93. Curves must have a minimum inner radius of 10 metres.
94. Roads must have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 4 metres above the access way.
95. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

CCMA Conditions

96. There is to be no loss of floodplain storage as a result of the development.

97. All streets, footpaths and cycle paths that are subject to flooding must meet the applicable flood hazard safety criteria.
98. All lots within the development shall be free from inundation from 1% AEP flood events.
99. A Works on Waterways Permit is required from the Corangamite Catchment Management Authority prior to any works on or within the bed and banks of the waterway.

Victrack Conditions

100. No waste, soil or other materials from the works are to be stored or deposited on VicTrack land.
101. All works including hoardings must be undertaken within the subject land and must not encroach onto VicTrack land.
102. No entry onto railway land is permitted without the written consent of the rail operator.
103. No permanent or temporary ground anchors are permitted within VicTrack land.

Telecommunication Conditions

104. The owner of the land must enter into agreements with
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.
105. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Department of Jobs, Precincts and Regions – Earth Resources Regulation Branch

106. Land affected by the 250 metre extractive industry buffer as shown on the endorsed plan must not be subdivided or developed without the further written agreement of the Department of Jobs, Precincts and Regions.

Expiry

107. This permit will expire if one of the following circumstances applies:
 - a) The first stage of the plan of subdivision has not been certified within two years of the date of this permit.
 - b) All stages of the plan of subdivision have not been certified within five years of the date of this permit.

c) A statement of compliance is not issued within five years of the date of certification of a particular stage of subdivision.

The Responsible Authority may extend the certification period referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

DRAFT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. **C372ggee** to the **Greater Geelong Planning Scheme**.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.